"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2013-2015."

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 25] रायपुर, शुक्रवार, दिनांक 17 जून 2016—ज्येष्ठ 27, शक 1938

विषय—सूची

भाग 1.—(1) राज्य शासन के आदेश, (2) विभाग प्रमुखों के आदेश, (3) उच्च न्यायालय के आदेश और अधिसूचनाएं, (4) राज्य शासन के संकल्प, (5) भारत शासन के आदेश और अधिसूचनाएं, (6) निर्वाचन आयोग, भारत की अधिसूचनाएं, (7) लोक-भाषा परिशिष्ट.

भाग 2.—स्थानीय निकाय की अधिसूचनाएं.

भाग 3.—(1) विज्ञापन और विविध सूचनाएं, (2) सांख्यिकीय सूचनाएं.

भाग 4.—(क) (1) छत्तीसगढ़ विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुर:स्थापित विधेयक, (ख) (1) अध्यादेश, (2) छत्तीसगढ़ अधिनियम, (3) संसद् के अधिनियम, (ग) (1) प्रारूप नियम, (2) अंतिम नियम.

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 26 मई 2016

क्रमांक ई-1-1/2016/एक/2.—राज्य शासन एतद्द्वारा श्री सत्यनारायण राठौर, भा.प्र.से. (2008) अपर कलेक्टर, रायपुर को अस्थाई रूप से आगामी आदेश पर्यन्त आयुक्त, नगर पालिक निगम, भिलाई के पद पर पदस्थ करता है.

श्री सत्यनारायण राठौर द्वारा कार्यभार ग्रहण करने के दिनांक से राज्य शासन, भारतीय प्रशासनिक सेवा (वेतन) नियम, 2007 के नियम-9 के तहत आयुक्त, नगर पालिक निगम, भिलाई के असंवर्गीय पद को प्रतिष्ठा एवं जिम्मेदारी में, भारतीय प्रशासनिक सेवा के वरिष्ठ श्रेणी वेतनमान के संवर्गीय पद के समकक्ष घोषित करता है.

2. सुश्री रानू साहू, भा.प्र.से. (2010), आयुक्त नगर पालिक निगम, बिलासपुर को अस्थाई रूप से आगामी आदेश पर्यन्त् अतिरिक्त कलेक्टर, बिलासपुर के पद पर पदस्थ करता है.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2016.

नया रायपुर, दिनांक 26 मई 2016

क्रमांक ई-1-1/2016/एक/2.—राज्य शासन एतद्द्वारा श्री यशवंत कुमार, भा.प्र.से. (2007) संयुक्त सचिव, छ.ग. शासन, लोक स्वास्थ्य यांत्रिकी तथा आदिम जाति, अनुसूचित जाति विकास विभाग को अस्थाई रूप से आगामी आदेश पर्यन्त् पंजीयक, फर्म्स एवं संस्थाएं के पद पर पदस्थ करते हुए संयुक्त सचिव, वाणिज्य एवं उद्योग विभाग का अतिरिक्त प्रभार सौंपता है.

2. श्रीमती शारदा वर्मा, भा.प्र.से. (2008) पंजीयक, फर्म्स एवं संस्थाएं तथा उप सचिव, वाणिज्य एवं उद्योग विभाग को अस्थाई रूप से आगामी आदेश पर्यन्त मुख्य कार्यपालन अधिकारी, जिला पंचायत, बलौदाबाजार-भाटापारा के पद पर पदस्थ करता है.

3. श्री नरेन्द्र कुमार दुग्गा, भा.प्र.से. (2008) आयुक्त, नगर पालिक निगम, भिलाई को अस्थाई रूप से आगामी आदेश पर्यन्त् अपर आयुक्त, महात्मा गांधी नरेगा, रायपुर के पद पर पदस्थ करता है.

4. श्री सारांश मित्तर, (भा.प्र.से.-2010), आयुक्त, नगर पालिक निगम, रायपुर को अस्थाई रूप से आगामी आदेश पर्यन्त् मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन (एनआरएचएम), रायपुर के पद पर पदस्थ करता है.

श्री सारांश मित्तर द्वारा मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन (एनआरएचएम), के पद का पदभार ग्रहण करने के दिनांक से श्री अविनाश चंपावत, (भा.प्र.से.-2003), आयुक्त, स्वास्थ्य सेवाएं, प्रबंध संचालक, छ.ग. मेडिकल सर्विसेस कार्पोरेशन एवं मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन, रायपुर केवल मिशन संचालक, राष्ट्रीय ग्रामीण स्वास्थ्य मिशन (एनआरएचएम), रायपुर के अतिरिक्त प्रभार से मुक्त होंगे.

5. श्री चंदन कुमार, भा.प्र.से. (2011) मुख्य कार्यपालन अधिकारी, जिला पंचायत, कांकेर को अस्थाई रूप से आगामी आदेश पर्यन्त् मुख्य कार्यपालन अधिकारी, जिला पंचायत, राजनांदगांव के पद पर पदस्थ करता है.

6. श्री संजीव कुमार झा, भा.प्र.से. (2011) मुख्य कार्यपालन अधिकारी, जिला पंचायत, कोरिया को अस्थाई रूप से आगामी आदेश पर्यन्त मुख्य कार्यपालन अधिकारी, जिला पंचायत, सूरजपुर के पद पर पदस्थ करता है.

7. श्री रजत बंसल, (भा.प्र.से.-2012), मुख्य कार्यपालन अधिकारी, जिला पंचायत, सूरजपुर को अस्थाई रूप से आगामी आदेश पर्यन्त् आयुक्त, नगर पालिक निगम, रायपुर के पद पर पदस्थ करता है.

8. श्री शिव अनंत तायल, (भा.प्र.से.-2012) मुख्य कार्यपालन अधिकारी, जिला पंचायत, राजनांदगांव को अस्थाई रूप से आगामी आदेश पर्यन्त मुख्य कार्यपालन अधिकारी, जिला पंचायत, कांकेर के पद पर पदस्थ करता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विवेक ढाँड, मुख्य सचिव.

नया रायपुर, दिनांक 31 मई 2016

क्रमांक ई-1-1/2016/एक/2.—राज्य शासन एतद्द्वारा श्री बृजेश चन्द्र मिश्रा, भा.प्र.से. (2002), प्रबंध संचालक, छ.ग. राज्य नागरिक आपूर्ति निगम को अस्थाई रूप से आगामी आदेश पर्यन्त् आयुक्त, रायपुर संभाग, रायपुर के पद पर पदस्थ करते हुए आयुक्त, दुर्ग संभाग, दुर्ग का अतिरिक्त प्रभार सौंपता है.

2. श्री सुनील कुमार जैन, (भा.प्र.से.-2009), अपर कलेक्टर, दुर्ग को अस्थाई रूप से आगामी आदेश पर्यन्त् प्रबंध संचालक, छ.ग. राज्य नागरिक आपूर्ति निगम, रायपुर के पद पर पदस्थ करता है.

श्री सुनील कुमार जैन द्वारा कार्यभार ग्रहण करने के दिनांक से राज्य शासन, भारतीय प्रशासनिक सेवा (वेतन) नियम, 2007 के नियम-9 के तहत् प्रबंध संचालक, छ.ग. राज्य नागरिक आपूर्ति निगम, रायपुर के असंवर्गीय पद को प्रतिष्ठा एवं जिम्मेदारी में, भारतीय प्रशासनिक सेवा के वरिष्ठ श्रेणी वेतनमान के संवर्गीय पद के समकक्ष घोषित करता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अजय सिंह, मुख्य सचिव.

नया रायपुर, दिनांक 26 मई 2016

क्रमांक-बी-1-1/2016/एक/4.—राज्य शासन एतद्द्वारा राज्य प्रशासनिक सेवा (आर.आर.-13 कनिष्ठ श्रेणी) के निम्नलिखित डिप्टी कलेक्टरों को स्थानांतरित करते हुए, उन्हें अस्थाई रूप से आगामी आदेश तक नीचे दर्शित कॉलम-(4) में दर्शाये अनुसार स्थान पर पदस्थ करता है :—

क्र. (1)	अधिकारी का नाम (2)	वर्तमान पदस्थापना (3)	नवीन पदस्थापना (4)
1.	श्री सुमीत अग्रवाल (गृह जिला-गरियाबंद)	डिप्टी कलेक्टर, जिला-सरगुजा	डिप्टी कलेक्टर, जिला-मुंगेली
2.	श्री संदीप कुमार अग्रवाल (गृह जिला-गरियाबंद)	डिप्टी कलेक्टर, जिला-धमतरी	डिप्टी कलेक्टर, जिला-बीजापुर
3.	श्री आशीष कुमार टिकरिहा (गृह जिला-रायपुर)	डिप्टी कलेक्टर, जिला-जांजगीर-चांपा	डिप्टी कलेक्टर, जिला-नारायणपुर
4.	श्री अभिषेक अग्रवाल (गृह जिला-जांजगीर-चांपा)	डिप्टी कलेक्टर, जिला-महासमुंद	डिप्टी कलेक्टर, जिला-जशपुर
5.	श्री सचिन भूतड़ा (गृह जिला-रायपुर)	डिप्टी कलेक्टर, जिला-सूरजपुर	डिप्टी कलेक्टर, जिला-बलौदाबाजार-भाटापारा
6.	श्री राजीव कुमार पाण्डेय (गृह जिला-सतना)	डिप्टी कलेक्टर, जिला-बीजापुर	डिप्टी कलेक्टर, जिला-धमतरी
7.	श्री प्रेम प्रकाश शर्मा (गृह जिला-मुंगेली)	डिप्टी कलेक्टर, जिला-बलरामपुर	डिप्टी कलेक्टर, जिला-महासमुंद
8.	श्री सुनील कुमार नायक (गृह जिला-रायगढ़)	डिप्टी कलेक्टर, जिला-जशपुर	डिप्टी कलेक्टर, जिला-रायपुर
9.	श्री प्रदीप कुमार साहू (गृह जिला-जांजगीर-चांपा)	डिप्टी कलेक्टर, जिला-मुंगेली	डिप्टी कलेक्टर, जिला-कोरिया
10.	श्रीमती निष्ठा पाण्डेय तिवारी (गृह जिला-जांजगीर-चांपा)	डिप्टी कलेक्टर, जिला-रायगढ़	डिप्टी कलेक्टर, जिला-कोरबा
11.	श्री चन्द्रकांत कौशिक (गृह जिला-दुर्ग)	डिप्टी कलेक्टर, जिला-नारायणपुर	डिप्टी कलेक्टर, जिला-कबीरधाम
12.	श्रीमती सूर्यकिरण तिवारी अग्रवाल (गृह जिला-रींवा म.प्र.)	डिप्टी कलेक्टर, जिला-दुर्ग	डिप्टी कलेक्टर, जिला-सरगुजा
13.	श्री दुर्गेश कुमार वर्मा (गृह जिला-बलौदाबाजार)	डिप्टी कलेक्टर, जिला-कबीरधाम	डिप्टी कलेक्टर, जिला-रायगढ़
14.	श्री शैलाभ कुमार साहू (गृह जिला-बिलासपुर)	डिप्टी कलेक्टर, जिला-बलौदाबाजार-भाटापारा.	डिप्टी कलेक्टर, जिला-गरियाबंद

(1)	(2)	(3)	(4)
15.	सुश्री लवीना पांडेय (गृह जिला-दुर्ग)	डिप्टी कलेक्टर, जिला-बेमेतरा	डिप्टी कलेक्टर, जिला-बस्तर
16.	सुश्री नेहा कपूर (गृह जिला-बस्तर)	डिप्टी कलेक्टर, जिला-रायपुर	डिप्टी कलेक्टर, जिला-दंतेवाड़ा
17.	कु. भारती चन्द्राकर (गृह जिला-रायपुर)	डिप्टी कलेक्टर, जिला-बालोद	डिप्टी कलेक्टर, जिला-कांकेर
18.	श्री नूतन कुमार कंवर (गृह जिला-कोरबा)	डिप्टी कलेक्टर, जिला-कोरिया	डिप्टी कलेक्टर, जिला-बिलासपुर
19.	श्री इंद्रजीत बर्मन (गृह जिला-मुंगेली)	डिप्टी कलेक्टर, जिला-बस्तर	डिप्टी कलेक्टर, जिला-जांजगीर-चांपा
20.	श्री अरूण कुमार मरकाम (गृह जिला-सरगुजा)	डिप्टी कलेक्टर, जिला-गरियाबंद	डिप्टी कलेक्टर, जिला-कोरिया
21.	श्री राजेश कुमार पात्रे (गृह जिला-रायपुर)	डिप्टी कलेक्टर, जिला-कोण्डागांव	डिप्टी कलेक्टर, जिला-दुर्ग
22.	सुश्री इंदिरा देवहारी (गृह जिला-बालोद)	डिप्टी कलेक्टर, जिला-कांकेर	डिप्टी कलेक्टर, जिला-बेमेतरा
23.	श्री हरेश मंडावी (गृह जिला-उ.ब. कांकेर)	डिप्टी कलेक्टर, जिला-दंतेवाड़ा	डिप्टी कलेक्टर, जिला-बालोद
24.	श्रीमती ज्योति सिंह (गृह जिला-मुंगेली)	डिप्टी कलेक्टर, जिला-बिलासपुर	डिप्टी कलेक्टर, जिला-सूरजपुर
25.	श्री टेकचंद अग्रवाल (गृह जिला-रायगढ़)	डिप्टी कलेक्टर, जिला-बिलासपुर	डिप्टी कलेक्टर, जिला-कोण्डागांव

2. प्रमाणित किया जाता है कि सामान्य प्रशासन विभाग द्वारा अनुसूचित क्षेत्रों में पदस्थापना के संबंध में जारी निर्देशों का पालन किया गया है.

3. उपरोक्त स्थानांतरण/पदस्थापना हेतु समन्वय में माननीय मुख्यमंत्री जी का अनुमोदन प्राप्त किया गया है.

नया रायपुर, दिनांक 26 मई 2016

क्रमांक-बी-1-1/2016/एक/4.—राज्य शासन एतद्द्वारा राज्य प्रशासनिक सेवा के निम्नलिखित अधिकारियों को स्थानांतरित करते हुए, उन्हें अस्थाई रूप से आगामी आदेश तक नीचे दर्शित तालिका में उनके नाम के सामने कॉलम-(4) में दर्शाये अनुसार पदस्थ करता है :—

स. क्र.	अधिकारी का नाम	वर्तमान पदस्थापना	नवीन पदस्थापना
(1)	(2)	(3)	(4)
1.	श्री धर्मेश कुमार साहू (आर.आर.-96 वरिष्ठ प्रवर श्रेणी)	मुख्य कार्यपालन अधिकारी, जिला पंचायत, बलौदाबाजार-भाटापारा.	उपायुक्त (राजस्व), संभागायुक्त कार्यालय, बिलासपुर.

(1)	(2)	(3)	(4)
2.	श्रीमती चंदन संजय त्रिपाठी (आर.आर.-05 प्रवर श्रेणी)	संयुक्त संचालक, स्वास्थ्य सेवायें, बिलासपुर	मुख्य कार्यपालन अधिकारी, जिला-पंचायत रायगढ़.
3.	श्री दीपक अग्रवाल (आर.आर.-05 प्रवर श्रेणी)	मुख्य कार्यपालन अधिकारी, जिला पंचायत, रायगढ़.	संयुक्त संचालक, संचालनालय, स्वास्थ्य सेवायें, रायपुर.
4.	सुश्री संतन देवी जांगड़े (आर.आर.-05 प्रवर श्रेणी)	उपायुक्त (राजस्व), संभागायुक्त कार्यालय, बिलासपुर.	मुख्य कार्यपालन अधिकारी, जिला पंचायत, कोरिया.

2. उपरोक्त स्थानान्तरण/पदस्थापना हेतु समन्वय में माननीय मुख्यमंत्री जी का अनुमोदन प्राप्त किया गया है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एम. आर. ठाकुर, अवर सचिव.

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 26 मई 2016

क्रमांक 5140/1463/21-ब/छ.ग./2016.—राज्य शासन, एतद्द्वारा, शासकीय अभिभाषक के पद पर नियुक्त श्री सुदर्शन महलवार, दुर्ग (छ.ग.) को जिला एवं सत्र न्यायाधीश, दुर्ग के न्यायालय में शासन की ओर से पैरवी करने के लिए शासकीय अभिभाषक तथा दण्ड प्रक्रिया संहिता, 1973 (क्र. 2 सन् 1974) की धारा 24 की उपधारा (3) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए जिला एवं सत्र न्यायाधीश दुर्ग के न्यायालय में ही शासन की ओर से पैरवी करने के लिए लोक अभियोजक दुर्ग के पद पर उनकी सेवा अवधि समाप्ति दिनांक 06-11-2014 से पुनः 03 वर्ष या 62 वर्ष जो भी पहले हो, नियुक्त करता है. उन्हें शासन द्वारा निर्धारित एवं समय-समय पर संशोधित रिटेनर फीस एवं अन्य फीस देय होगी. उनकी सेवा की अन्य शर्तें छ.ग. विधि विभाग मैन्युअल में निर्धारित अनुसार होगी.

किसी भी पक्ष द्वारा एक माह का नोटिस देकर यह नियुक्ति समाप्त की जा सकती है. उक्त संबंध में होने वाला व्यय मांग संख्या 29-2014-न्याय प्रशासन, 114-कानूनी सलाहकार और परिषद्, 3572-मुफस्सिल स्थापना, 10-व्यवसायिक सेवाओं हेतु अदायगियां, 008-शासकीय अभिभाषकों को फीस मद के अन्तर्गत प्रभारित किया जावेगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विजय कुमार होता, अतिरिक्त सचिव.

गृह (पुलिस) विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 3 जून 2016

क्रमांक एफ 3-09/2016/बजट/गृह-दो.—दण्ड प्रक्रिया संहिता 1973 क्रमांक 2 सन् 1974 की धारा 2 के खण्ड (घ) द्वारा शक्तियों को प्रयोग में लाते हुए नीचे दी गई सारणी में वर्णित स्थानीय क्षेत्रों को प्रभावित करने वाली पूर्व अधिसूचनाओं में आंशिक रूप से संशोधन करते हुए राज्य शासन द्वारा जन सुविधा एवं प्रशासनिक दृष्टि कोण से कालम नम्बर 3 में वर्णित पुलिस थाना के उक्त सारणी के कालम (4) की तत्संबंधित प्रवृष्टि में उल्लेखित किये गये स्थानीय क्षेत्रों को कालम नं.-2 में वर्णित पुलिस थाना के स्थानीय क्षेत्राधिकार में अधिसूचित करता है :—

क्र.	थाना/तह./जिला का नाम जिसमें सम्मिलित किया जाना है	थाना/तह./जिला का नाम जिससे अपवर्जित किया जाना है	ग्राम का नाम	पटवारी हल्का नं.
(1)	(2)	(3)	(4)	(5)
1.	थाना-सलिहा, तह.-बिलाईगढ़, जिला-बलौदाबाजार-भाटापारा.	थाना एवं तहसील-बिलाईगढ़, जिला-बलौदाबाजार-भाटापारा.	कुकरीकोना	वनग्राम

(1)	(2)	(3)	(4)	(5)
2.	थाना-बिलाईगढ़, तह.-बिलाईगढ़ जिला-बलौदाबाजार-भाटापारा.	थाना-सलिहा, तह.-बिलाईगढ़ जिला-बलौदाबाजार-भाटापारा.	चंदलीडीह	23
3.	थाना-साजा, तह.-साजा, जिला-बेमेतरा.	थाना-बेमेतरा, तह.-बेमेतरा, जिला-बेमेतरा.	भैंसागुड़ा	05

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
ए. के. टोप्पो, संयुक्त सचिव.

नया रायपुर, दिनांक 28 मई 2016

क्रमांक एफ-7-20/2014/दो-गृह/भापुसे.—राज्य शासन एतद्द्वारा, श्रीमती नेहा चम्पावत, पुलिस अधीक्षक, महासमुन्द, छत्तीसगढ़ को दिनांक 26-05-2016 से 04-06-2016 तक (कुल 10 दिवस) का अर्जित अवकाश स्वीकृत करते हुए, दिनांक 05-06-2016 के विज्ञप्त शासकीय अवकाश का लाभ उठाने की अनुमति प्रदान की जाती है.

2. अवकाश से लौटने पर श्रीमती नेहा चम्पावत आगामी आदेश तक पुलिस अधीक्षक, महासमुंद, छत्तीसगढ़ के पद पर पुनः पदस्थ होंगी.

3. अवकाश काल में श्रीमती चम्पावत को अवकाश वेतन भत्ते एवं अन्य भत्ते उसी प्रकार देय होंगे, जो उन्हें अवकाश में जाने से पूर्व मिलती थी.

4. प्रमाणित किया जाता है कि यदि श्रीमती चम्पावत, भापुसे अवकाश पर नहीं जातीं, तो अपने पद पर कार्य करती रहतीं.

5. श्रीमती नेहा चम्पावत, (भापुसे), पुलिस अधीक्षक, जिला-महासमुंद, छत्तीसगढ़ के उक्त अवकाश अवधि में पुलिस अधीक्षक, महासमुंद का अतिरिक्त प्रभार श्री अमित तुकाराम कांबले, भापुसे, पुलिस अधीक्षक, जिला-गरियाबंद, छत्तीसगढ़ को उनके वर्तमान कार्य के साथ-साथ सौंपा जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एन. डी. कुंदानी, अवर सचिव.

वन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 30 मई 2016

क्रमांक 1260/913/2016/10-भा.व.से.—विभागीय आदेश क्रमांक/एफ 1-4/2016/10-भा.व.से., दिनांक 29-04-2016 के अनुक्रम में राज्य शासन एतद्द्वारा श्री जे. ए. सी. एस. राव, भा.व.से. (1987) अपर प्रधान मुख्य वन संरक्षक (कैम्पा) कार्यालय प्रधान मुख्य वन संरक्षक, छत्तीसगढ़, रायपुर को सदस्य सचिव (कैम्पा) के कर्त्तव्यों के निर्वहन हेतु सदस्य सचिव (कैम्पा) घोषित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एस. एल. आदिले, उप-सचिव.

खनिज साधन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 4 जून 2016

क्रमांक एफ 7-67/2013/12.—भारत सरकार, कोयला मंत्रालय द्वारा जारी अधिसूचना का.आ. 645 (अ), नई दिल्ली, दिनांक 02 मार्च, 2016 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्द्वारा, नीचे दी गई अनुसूची के कॉलम (2) में विनिर्दिष्ट अधिकारियों को, केन्द्र सरकार के सार्वजनिक क्षेत्र के उपक्रमों की खानों या ब्लॉकों को छोड़कर, उक्त अनुसूची के कॉलम (4) में विनिर्दिष्ट क्षेत्राधिकार के भीतर सभी कोयले की खानों के संबंध में, कॉलम (3) में यथा विनिर्दिष्ट कोयला खान नियंत्रण नियम, 2004 के नियमों के अंतर्गत कोल नियंत्रक की शक्तियों का प्रयोग करने हेतु, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से, प्राधिकृत करती है :—

अनुसूची

क्र.	प्राधिकृत अधिकारी	कोयला खान नियंत्रण नियम, 2004 के नियम	अधिकार क्षेत्र
(1)	(2)	(3)	(4)
1.	संचालक, भौमिकी तथा खनिकर्म छत्तीसगढ़.	4 (3), 4 (4), 4 (5), 5, 10 एवं 12	छत्तीसगढ़ राज्य के समस्त क्षेत्र
2.	अपर संचालक, भौमिकी तथा खनिकर्म, छत्तीसगढ़.	4 (3), 4 (4), 4 (5), 7 एवं 12	छत्तीसगढ़ राज्य के समस्त क्षेत्र
3.	संयुक्त संचालक, भौमिकी तथा खनिकर्म, छत्तीसगढ़.	4 (3), 7 एवं 12	छत्तीसगढ़ राज्य के समस्त क्षेत्र
4.	उप संचालक (खनिज प्रशासन)/खनि अधिकारी, उड़नदस्ता.	4 (3), 7 एवं 12	छत्तीसगढ़ राज्य के समस्त क्षेत्र
5.	उप संचालक (खनिज प्रशासन)/खनि अधिकारी, जिले में पदस्थ.	4 (3), 7, 10 एवं 12	उनके संबंधित जिले की सीमा के भीतर का क्षेत्र.
6.	सहायक खनि अधिकारी	7 एवं 12	उनके संबंधित जिले की सीमा के भीतर का क्षेत्र.
7.	खनि निरीक्षक	7	उनके संबंधित जिले की सीमा के भीतर का क्षेत्र.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
इफ्फत आरा, संयुक्त सचिव.

नया रायपुर, दिनांक 4 जून 2016

क्रमांक एफ 7-67/2013/12.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में इस विभाग की समसंख्यक अधिसूचना दिनांक 04-06-2016 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
इफ्फत आरा, संयुक्त सचिव.

Naya Raipur, the 4th June 2016

No. F 7-67/2013/12.—In exercise of the power conferred by Notification S. O. 645 (E), New Delhi, dated 02 March, 2016 issued by the Government of India, Ministry of Coal, the State Government, hereby, authorises the officers specified in column (2) of the Schedule below to exercise the powers of Coal Controller under Rules of the Collierty Control Rules, 2004 as specified in column (3), in respect of all coal mines with the jurisdiction specified in column (4), of the said Schedule, except the mines or blocks of Central Government Public Sector Undertakings, from the date of publication of this notification in the Official Gazette.

SCHEDULE

S. No.	Authorised Officer	Rules of Colliery Control Rules 2004	Jurisdiction
(1)	(2)	(3)	(4)
1.	Director, Geology and Mining Chhattisgarh.	4 (3), 4 (4), 4 (5), 5, 10 and 12	The entire territory of the State of Chhattisgarh.
2.	Additional Director, Geology and Mining Chhattisgarh.	4 (3), 4 (4), 4 (5), 7 and 12	The entire territory of the State of Chhattisgarh.
3.	Joint Director, Geology and Mining Chhattisgarh.	4 (3), 7 and 12	The entire territory of the State of Chhattisgarh.
4.	Deputy Director (Mineral Administration)/Mining Officer, Flying Squad.	4 (3), 7 and 12	The entire territory of the State of Chhattisgarh.
5.	Deputy Director (Mineral Administration)/Mining Officer, posted in District.	4 (3), 7, 10 and 12	Area within the limit of their respective District.
6.	Assistant Mining Officer	7 and 12	Area within the limit of their respective District.
7.	Mining Inspector	7	Area within the limit of their respective District.

By order and in the name of the Governor of Chhattisgarh,
EFFAT AARA, Joint Secretary.

वाणिज्य एवं उद्योग विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 13 अप्रैल 2016

क्रमांक एफ 8-5/2006/11/(6).—इंडियन बॉयलर्स एक्ट, 1923 की धारा 34 (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य शासन एतद्द्वारा एन.टी.पी.सी. कोरबा के बॉयलर क्रमांक एम.पी./3825 को दिनांक 21-04-2016 से 30-11-2016 तक निम्नलिखित शर्तों पर उक्त अधिनियम की धारा 6 (सी) के उपबंधनों के प्रवर्तन से छूट प्रदान करता है :—

(1) संदर्भाधीन बॉयलर को पहुंचने वाली किसी भी हानि की सूचना भारतीय बॉयलर अधिनियम, 1923 की धारा 18 (1) की अपेक्षानुसार तत्काल बॉयलर निरीक्षक/मुख्य निरीक्षक, वाष्पयंत्र, छत्तीसगढ़ को दी जावेगी एवं दुर्घटना होने के दिनांक से छूट की मान्यता समाप्त समझी जावेगी.

(2) उक्त अधिनियम की धारा 12 तथा 13 की अपेक्षानुसार मुख्य निरीक्षक, वाष्पयंत्र, छत्तीसगढ़ के पूर्वानुमोदन के बिना संदर्भाधीन बॉयलर में किसी प्रकार का संरचनात्मक परिवर्तन अथवा नवीनीकरण नहीं किया जावेगा.

(3) संदर्भाधीन बॉयलर का सरसरी दृष्टि से निरीक्षण किये जाने पर यदि वह खतरनाक स्थिति में पाया गया तो यह छूट समाप्त हो जावेगी.

(4) नियतकालीन सफाई और नियमित रूप से गैस निकालने (रेगुलर ब्लोडाउन) का कार्य किया जावेगा और उसका अभिलेख रखा जावेगा.

(5) छत्तीसगढ़ बॉयलर निरीक्षण नियम, 1966 के नियम 6 की अपेक्षानुसार संदर्भाधीन बॉयलर के संबंध में वार्षिक निरीक्षण शुल्क अग्रिम रूप में जमा करायी जावेगी.

(6) यदि राज्य शासन आवश्यक समझे तो प्रश्नांकित छूट में संशोधन कर सकता है अथवा उसे वापिस ले सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
जी. एल. सांकला, अवर सचिव.

सहकारिता विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 26 मई 2016

संशोधन

क्रमांक/एफ 15-8/15-2/2015/1337.—राज्य शासन एतद्द्वारा, विभाग के पृष्ठांकन क्रमांक/एफ 12-10/15-2/2013/1713 दिनांक 22-07-2014 द्वारा जारी कृषकों के सहकारी ऋणों पर ब्याज अनुदान नियम, 2014 की कंडिका 02 (चार), 03 (छः), (सात) एवं (आठ), 05 (तीन) एवं (चार) (ब), 06 (एक) (ख) एवं (दो) तथा 07 में निम्नानुसार आंशिक संशोधन, प्रतिस्थापन तथा विलोपन करता है, जो दिनांक 01-04-2016 से प्रभावशील होगा :—

1. नियम की कंडिका 02 (चार) में संशोधन उपरान्त निम्नानुसार प्रतिस्थापन किया जाता है :—
   (चार) **बैंक—** बैंक का अभिप्राय राज्य सहकारी बैंक, जिला सहकारी केन्द्रीय बैंक से है.

2. नियम की कंडिका 03 (छः) का विलोपन किया जाता है.

3. नियम की कंडिका 03 (सात) एवं (आठ) का नवीन प्रतिस्थापन किया जाता है.
   (सात) नियम 02 (सात) में वर्णित अल्पकालीन कृषि ऋणों पर कृषकों को अधिकतम रुपये 3.00 लाख की सीमा तक ही ब्याज अनुदान की पात्रता होगी.

   (आठ) नियम 02 (सात) में वर्णित उन अल्पकालीन ऋणों पर, सिंचित क्षेत्रों में ली जाने वाली फसलों हेतु अधिकतम रुपये 25,000 प्रति हेक्टेयर की दर से (ऋणमान) एवं असिंचित क्षेत्रों में ली जाने वाली फसलों हेतु अधिकतम रुपये 20,000 प्रति हेक्टेयर की दर से (ऋणमान) वितरित ऋणों पर ब्याज अनुदान राज्य शासन द्वारा प्रदाय किया जायेगा.

   वास्तविक ऋण वितरण, उपरोक्तानुसार निर्धारित ऋणमान से अधिक होने की स्थिति में निर्धारित प्रति हेक्टेयर सीमा (ऋणमान) तक ही ब्याज अनुदान की पात्रता होगी, सीमा (ऋणमान) से अधिक ऋण पर ब्याज अनुदान की पात्रता नहीं होगी.

4. नियम की कंडिका 05 (तीन) में संशोधन उपरान्त निम्नानुसार प्रतिस्थापन किया जाता है :—
   (तीन) बैंक द्वारा आंकलित प्राईम लेंडिग रेट एवं पंजीयक द्वारा संस्था के लिए निर्धारित मार्जिन के आधार पर कृषक स्तर पर ब्याज दर का निर्धारण करने के फलस्वरूप कृषकों के लिए नियम 04 के अनुसार प्रभावशील ब्याज दर घटाने के पश्चात् अंतर की राशि की प्रतिपूर्ति राज्य शासन द्वारा ब्याज अनुदान के रूप में की जावेगी. ब्याज अनुदान का आंकलन निम्नानुसार किया जावेगा.

5. नियम की कंडिका 05 (चार) (ब) का विलोपन किया जाता है.

6. नियम की कंडिका 06 (एक) (ख) का विलोपन किया जाता है.

7. नियम की कंडिका 06 (दो) में संशोधन उपरान्त निम्नानुसार प्रतिस्थापन किया जाता है :—

(दो) राज्य शासन की ओर से बैंकों को जो ब्याज अनुदान दिया जाना है, वह वर्ष के प्रारंभ से ही राज्य शासन द्वारा पंजीयक, सहकारी संस्थाएं एवं राज्य सहकारी बैंक के माध्यम से जिला सहकारी केन्द्रीय बैंकों को उपलब्ध करा दिया जाएगा. यह अनुदान गत वर्षों की ऋण वितरण के आधार पर गणना की जाकर उपलब्ध कराया जाएगा. संस्था द्वारा ब्याज अनुदान का दावा निर्धारित प्रारूप में प्रत्येक छः माही समाप्त होने के 30 दिवस के अंदर किया जावेगा. बैंक/संस्था द्वारा प्रस्तुत दावा पत्रक का, जिले के उप/सहायक पंजीयक द्वारा स्वीकृति उपरांत राशि का अविलम्ब भुगतान करने की जवाबदारी जिला सहकारी केन्द्रीय बैंकों की होगी.

8. नियम की कंडिका 07 के संशोधन उपरान्त निम्नानुसार प्रतिस्थापन किया जाता है :—

ब्याज अनुदान का उपयोगिता प्रमाण पत्र जिले के उप/सहायक पंजीयक द्वारा सत्यापित कराकर जिला सहकारी केन्द्रीय बैंक द्वारा राज्य सहकारी बैंक के माध्यम से पंजीयक सहकारी संस्थाएं को प्रस्तुत किया जावेगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
डी. डी. सिंह, सचिव.

वित्त विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 25 मई 2016

क्रमांक 205/एफ 2016-16-00155/वित्त/नियम/चार.—भारत के संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, छत्तीसगढ़ के राज्यपाल, एतद्द्वारा, छत्तीसगढ़ सिविल सेवाएं (अवकाश) नियम, 2010 में निम्नलिखित और संशोधन करते हैं, अर्थात् :—

संशोधन

उक्त नियमों में :—

नियम 38 के उप-नियम (1) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :—

"(1) किसी महिला शासकीय सेवक जिसकी दो से कम जीवित संतानें हैं, को 180 दिन तक की अवधि के लिये प्रसूति अवकाश स्वीकृत किया जा सकता है. अवकाश अवधि में गर्भावस्था की अवधि तथा प्रसूति का दिन भी शामिल होंगे किन्तु ऐसा अवकाश प्रसूति की तिथि से 180 दिन की पश्चात्वर्ती किसी अवधि हेतु स्वीकृत नहीं किया जाएगा. ऐसी अवधि में वह उस वेतन के समतुल्य अवकाश वेतन की पात्र होगी जो उसने अवकाश पर प्रस्थान करने के ठीक पहले आहरित किया है."

No. 205/F-2016-16-00155/F/R/IV.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Chhattisgarh, hereby, makes the following further amendment in the Chhattisgarh Civil Services (Leave) Rules, 2010, namely :—

AMENDMENT

In the said rules :—

For sub-rule (1) of rule 38, the following shall be substituted, namely :—

"(1) A female government servant who has less than two surviving children, may be granted maternity leave for a period of up to 180 days. The period of leave shall include the period of pregnancy and the day of delivery but such leave shall not be granted for any period beyond 180 days from the date of delivery. During such period, she will be entitled to leave salary equal to pay drawn immediately before proceeding on leave."

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
एस. के. चक्रवर्ती, संयुक्त सचिव.

राजस्व विभाग

कार्यालय, कलेक्टर, जिला बिलासपुर, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

बिलासपुर, दिनांक 28 अप्रैल 2016

क्रमांक 02/अ-82/2015-16.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन इसके द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अन्तर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बिलासपुर	मस्तूरी	डोड़की प.ह.नं. 34	5.164	कार्यपालन अभियंता, खारंग जल संसाधन संभाग, बिलासपुर.	पाराघाट फीडर व्यपवर्तन योजना के अंतर्गत मुख्य नहर निर्माण कार्य.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), मस्तूरी के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 28 अप्रैल 2016

क्रमांक 03/अ-82/2015-16.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 11 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन इसके द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अन्तर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बिलासपुर	मस्तूरी	रिस्दा प.ह.नं. 39	7.548	कार्यपालन अभियंता, खारंग जल संसाधन संभाग, बिलासपुर.	पाराघाट फीडर व्यपवर्तन योजना के अंतर्गत मुख्य नहर निर्माण कार्य.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), मस्तूरी के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 28 अप्रैल 2016

क्रमांक 04/अ-82/2015-16.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 11 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन इसके द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अन्तर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बिलासपुर	मस्तूरी	अकोला प.ह.नं. 34	2.680	कार्यपालन अभियंता, खारंग जल संसाधन संभाग, बिलासपुर.	पाराघाट फीडर व्यपवर्तन योजना के अंतर्गत मुख्य नहर निर्माण कार्य.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), मस्तूरी के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 28 अप्रैल 2016

क्रमांक 06/अ-82/2015-16.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 11 की उपधारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन इसके द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अन्तर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

अनुसूची

भूमि का वर्णन				धारा 12 द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
बिलासपुर	मस्तूरी	बम्हनीकला प.ह.नं. 01	1.658	कार्यपालन अभियंता, खारंग जल संसाधन संभाग, बिलासपुर.	पोड़ी जलाशय योजना के अंतर्गत मुख्य नहर निर्माण कार्य.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), मस्तूरी के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अन्बलगन पी., कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला बिलासपुर, छत्तीसगढ़ एवं पदेन उप सचिव, छत्तीसगढ़ शासन राजस्व एवं आपदा प्रबंधन विभाग

बिलासपुर, दिनांक 28 अप्रैल 2016

भू-अर्जन प्रकरण क्र. 04/अ-82/वर्ष 2015-16.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-मस्तूरी
- (ग) नगर/ग्राम-गतौरा
- (घ) लगभग क्षेत्रफल-3.70 एकड़

	खसरा नम्बर	रकबा (एकड़ में)
	(1)	(2)
	2539/1	0.05
	2709/1	0.13
	2710	0.06
	2711/3	0.08
	2712/1	0.04
	2712/2	0.06
	2712/3	0.04
	2753/1	0.34
	2759/1	0.60
	2733	0.08
	2759/2	0.60
	2760	0.08
	2757/1	0.35
	2831/2	0.04
	2832	0.03
	2831/1	0.05
	2833	0.04
	3022/2	0.35
	3022/1	0.11
	3015/2	0.10
	3015/7	0.06
	3015/3	0.05
	3016/2	0.03
	3040/1	0.07
	3015/13	0.02
	2745/2	0.03
	3022/5	0.09
	2746	0.03
	3020	0.09
योग	29	3.70

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-बेलतरा से मोपका-खैरा-गतौरा-जयरामनगर मार्ग हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, मस्तुरी कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 29 अप्रैल 2016

क्रमांक 1/अ-82/2013-14.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-पेण्ड्रा
- (ग) नगर/ग्राम-दमदम
- (घ) लगभग क्षेत्रफल-0.619 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
574	0.020
653/1	0.008
654	0.089
581/2	0.045
518/1	0.085
587/1	0.036

	(1)	(2)
	584/1	0.138
	577	0.024
	581/3	0.057
	594/5	0.117
योग	9	0.619

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-गोढ़ा जलाशय के नहर निर्माण कार्य हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), पेण्ड्रारोड के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 29 अप्रैल 2016

भू-अर्जन प्रकरण क्रमांक 06/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-पेण्ड्रारोड
- (ग) नगर/ग्राम-नेवसा
- (घ) लगभग क्षेत्रफल-11.90 एकड़

	खसरा नम्बर (1)	रकबा (एकड़ में) (2)
	102/12 क	7.50
	102/12 क	2.00
	102/12 क	1.20
	102/12 क	1.20
योग		11.90

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-लहरानाला जलाशय योजना डुबान हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), पेण्ड्रारोड के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 29 अप्रैल 2016

भू-अर्जन प्रकरण क्रमांक 7/अ-82/2013-14.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (संख्या 30 सन् 2013) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-मरवाही
- (ग) नगर/ग्राम-गुल्लीडांड़
- (घ) लगभग क्षेत्रफल-1.154 हेक्टेयर

	खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
	220	0.057
	222/6	0.138
	216/1	0.101
	217	0.081
	216/2	0.065
	221/2	0.032
	221/1	0.174
	218	0.089
	222/1	0.125
	215/1	0.061
	216/3	0.061
	222/3	0.170
योग	12	1.154

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-लिटियासरई जलाशय के नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), पेण्ड्रारोड के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 30 अप्रैल 2016

भू-अर्जन प्रकरण क्र. 16/अ-82/वर्ष 2013-14.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-मस्तूरी
- (ग) नगर/ग्राम-जेवरा
- (घ) लगभग क्षेत्रफल-3.20 एकड़

खसरा नम्बर	रकबा (एकड़ में)
(1)	(2)
977/3	0.07
1018/3	0.31
977/6	0.10
1018/1	0.09
1018/2	0.09
977/2	0.02
977/5	0.04
984/3	0.07
984/1	0.08
983	0.24
988/1	0.02
1014/3	0.03
990/1	0.02
990/7	0.03
977/7	0.05
1018/5	0.07
1020/3	0.03
1017/1	0.18
1004/1	0.19
1014/1	0.02
1015/2	0.08
1017/2	0.07
1013/1	0.03
1015/5	0.08
1015/1	0.07
1015/3	0.02
1004/2	0.09
1007	0.12
1008/1	0.02
1005/3	0.09
1005/4	0.02
1008/2	0.03
1008/4	0.02
1014/5	0.02
1004/3	0.21
314, 315, 316	0.16
340	0.16
341	0.16
योग	3.20

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-जेवरा सब माईनर के अंतर्गत नहर निर्माण कार्य हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, मस्तुरी कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 26 मई 2016

क्रमांक 23/अ-82/2015-16.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-तखतपुर
- (ग) नगर/ग्राम-हाफा
- (घ) लगभग क्षेत्रफल-4.408 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
333/1	0.097

(1)	(2)
335	0.125
334	0.154
338/3	0.049
338/2	0.016
322/1	0.032
322/2	0.182
314/1, 314/2, 314/3	0.008
315	0.202
316	0.162
320	0.024
317	0.016
296	0.174
293, 294	0.024
295	0.125
253	0.065
254	0.169
292/2	0.169
244	0.081
245	0.081
257	0.004
239	0.065
240	0.065
236	0.032
237/2	0.138
224	0.089
225	0.024
219	0.113
222	0.024
223	0.057
588/1	0.154
588/2	0.089
559	0.089
560	0.040
536	0.040
565	0.032
556	0.138
564	0.138
555	0.089
562	0.032
1254	0.032
554/2	0.008
566	0.040
1055, 1056	0.049
1054	0.049
1058	0.121
1059/1	0.040
1059/2	0.097
476	0.016
475	0.077
490/1	0.012
484/2, 485/3	0.045
484/1, 485/1	0.016
482/1	0.012
482/2	0.036
486	0.032
489, 487	0.020
490/3	0.073
498	0.069
499/3	0.008
499/4	0.040
500	0.069
490/2	0.040
योग 70	4.408

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-अरपा भैंसाझार बैराज परियोजना के मुख्य नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कोटा के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 26 मई 2016

क्रमांक 31/अ-82/2015-16.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-कोटा
- (ग) नगर/ग्राम-खरगहना
- (घ) लगभग क्षेत्रफल-0.324 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
2/1	0.186

(1)	(2)
2/2	0.089
6/1	0.049
योग 3	0.324

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-अरपा भैंसाझार बैराज परियोजना के मुख्य नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कोटा के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 26 मई 2016

क्रमांक 35/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-कोटा
- (ग) नगर/ग्राम-पण्डरा पथरा
- (घ) लगभग क्षेत्रफल-0.073 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
62/4, 64/4	0.041
118	0.032
योग	0.073

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-बानाबेल जलाशय के अन्तर्गत मुख्य नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कोटा के कार्यालय में किया जा सकता है.

बिलासपुर, दिनांक 2 जून 2016

क्रमांक 04/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जावेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बिलासपुर
- (ख) तहसील-तखतपुर
- (ग) नगर/ग्राम-बोड़सरा
- (घ) लगभग क्षेत्रफल-22.403 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
979/2	0.097
990, 991	0.243
988/1, 988/2	0.243
989/1	0.121
989/2	0.105
993/1	0.324
993/2	0.182
992/5, 1003/4, 1004/4	0.048
992/6, 1003/5, 1004/5	0.048
992/7, 1003/6, 1004/6	0.048
992/8, 1003/7, 1004/7	0.048
1116	0.004
1118/1	0.101
1042	0.121
1128	0.134
1118/2	0.073
1117	0.032

(1)	(2)
1120	0.024
1129	0.283
1131/14	0.170
1131/21	0.113
1131/15	0.223
952/3	0.101
953	0.089
950	0.008
951	0.101
954	0.032
944	0.154
945	0.129
946	0.073
943/2	0.065
942	0.081
51/1	0.121
23	0.008
14/2	0.061
46/1	0.057
46/2	0.271
51/2	0.328
57	0.061
62	0.008
63	
64	0.223
79	0.170
65	0.081
137	0.134
87	0.142
86	0.061
119	0.041
116	0.105
136	0.097
88	0.093
118	0.081
89	0.105
992/9	
1003/8	0.048
1004/8	
992/10	
1003/9	0.048
1004/9	
992/2	
1003/1	0.040
1004/1	
992/3	
1003/2	0.069
1004/2	
992/4	
1003/3	0.069
1004/3	
995/2	0.364
1001	0.405
1002	0.372
1018/1	0.049
1017/2	0.016
1018/2	0.142
1062/1	0.154
1018/3	0.243
1054/2	0.073
1054/8	0.081
1054/6	0.081
1054/5	0.081
1054/7	0.081
1062/2	0.081
1062/3	0.287
1062/4	0.028
1062/5	0.028
1060/1	0.174
1060/2	0.093
1061	0.101
1059/1	0.113
1059/2	0.040
947/1	0.142
948	0.008
935/2	0.061
934	0.210
933	0.154
932	0.150
927	0.004
931	0.008
928	0.267
907/1	0.093
907/2	0.275
908/1	0.202
908/2	
908/3	0.040
906/1	0.024
904	0.142
482	0.061
483	0.040
484	0.247
475	0.113
476	0.008
485/1	0.320
486/1	

(1)	(2)
78	0.024
485/2, 486/2	0.040
90	0.057
474	0.251
466	0.129
467	0.121
468/1	0.053
468/2	0.049
460/2	0.061
461/2	0.206
460/3	0.045
461/3	0.166
16/1	0.405
91/7	0.073
143	0.223
115	0.113
135/2	0.125
291/1	0.065
138	0.045
144	0.223
145	0.008
147	0.202
267/1	0.178
188	0.186
197	0.004
198	0.061
199/1, 199/2	0.210
200	0.093
201/1	0.049
201/2	0.101
261	0.081
263	0.040
262	0.190
285	0.323
286	0.008
288	0.223
293	0.210
295	0.162
297/2	0.036
303	0.016
304	0.073
302	0.243
298	0.073
289	0.028
291/2	0.061
294	0.012
301	0.142
299	0.073
115	0.113
1067/1, 1067/3	0.154
1067/2, 1067/4	0.178
1068/1	0.113
1068/2	0.255
1069	0.065
1109/2	0.364
1137	0.243
1138	0.032
1132/2	0.364
1132/16	0.040
1132/10	0.049
1132/20	0.129
1132/21	0.129
1132/22	0.425
1132/24	0.081
1114/1 ख	0.049
1109/1	0.348
1136	0.170
1111	0.020
1132/1	0.049
1132/4	0.081
1132/3	0.101
1132/7	0.020
1114/1 क	0.121
1114/2 क	0.020
1058	0.113
1115	0.291
24/1	0.162
267/2	0.267
24/2	0.121
138	0.016
25	0.170
852/9	0.194
योग 209	22.403

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-अरपा भैंसाझार बैराज परियोजना के मुख्य नहर निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), कोटा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अन्बलगन पी., कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायगढ़ छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

रायगढ़, दिनांक 5 मई 2016

क्रमांक 04/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-रायगढ़
- (ग) नगर/ग्राम-बालमगोड़ा
- (घ) लगभग क्षेत्रफल-2.572 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
477	0.057
627	0.069
672	0.053
488	0.065
519/2	0.041
536/18	0.045
551/1	0.028
548	0.085
549/2	0.041
557/2	0.008
639/2	0.024
639/1	0.012
640	0.020
557/1	0.121
641/1	0.022
479	0.145
626/2	0.024
486/1	0.085
489	0.073
519/4	0.020
538/1	0.049
642/1	0.024
647	0.028
551/2	0.041
567/3	0.028
629/3	0.057
639/3	0.024
641/7	0.030
674/2	0.024
550	0.089
521	0.012
485	0.061
486/2	0.008
490	0.057
522/2	0.105
556/1	0.077
673/1	0.089
668/1	0.024
555/2	0.004
624/1 ख	0.073
567/1	0.020
641/5	0.057
670/1	0.024
670/2	0.028
558	0.004
669/1	0.028
487/2	0.049
628	0.008
536/17	0.053
541/1	0.081
541/2	0.057
549/1	0.041
567/1	0.012
624/4	0.012
624/10	0.053
641/2	0.040
641/6	0.006
641/4	0.057
योग 58	2.572

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना नहर निर्माण के अंतर्गत औराभाठा माइनर हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में किया जा सकता है.

रायगढ़, दिनांक 5 मई 2016

क्रमांक 05/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
 (क) जिला-रायगढ़
 (ख) तहसील-रायगढ़
 (ग) नगर/ग्राम-औराभाठा
 (घ) लगभग क्षेत्रफल-0.546 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	93/3ग	0.028
	98/1ग	0.012
	99/1ख	0.041
	100/2	0.024
	101/2, 102/1	0.036
	96/4	0.024
	98/1घ	0.053
	99/2ड़	0.012
	100/3	0.028
	96/2घ	0.049
	96/1क	0.004
	99/1ग	0.041
	99/2क/2	0.012
	96/5क	0.049
	98/2क	0.028
	99/4	0.036
	100/1	0.012
	96/8	0.057
योग	18	0.546

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना नहर निर्माण के अंतर्गत औराभाठा माइनर हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में किया जा सकता है.

रायगढ़, दिनांक 11 मई 2016

भू-अर्जन प्रकरण क्रमांक 26/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
 (क) जिला-रायगढ़
 (ख) तहसील-रायगढ़
 (ग) नगर/ग्राम-कलमी
 (घ) लगभग क्षेत्रफल-2.608 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
86/11	0.041
369/3 क	0.069
363/2 क	0.040
363/2 ङ	0.016
264/1	0.048
363/1	0.291
239/11	0.186
266/1	0.049
86/12	0.270
243/1 ख	0.101
363/2 ख	0.039
363/2 च	0.016
320/1	0.050
366/1	0.065
274/5	0.012
92/7	0.020
369/3 ख	0.069
363/2 ग	0.016
244/14	0.097
257	0.312
350/1	0.163
366/3	0.081
243/1 क	0.101
244/16	0.080
363/2 घ	0.016
264/14	0.198

	(1)	(2)
	364/2	0.020
	354/1	0.041
	346/4, 367/2 ख	0.101
योग	29	2.608

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना के अंतर्गत केलो मुख्य नहर के निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व, रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 23 मई 2016

क्रमांक 12/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-पुसौर
- (ग) नगर/ग्राम-जिलाड़ी
- (घ) लगभग क्षेत्रफल-0.665 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	17	0.077
	18	0.041
	19	0.004
	23/3	0.049
	20/3	0.004
	23/1	0.012
	46/3	0.073
	46/2	0.133
	49	0.065
	50/5	0.105
	51/5	0.082
	83/1	0.020
योग	12	0.665

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना नहर निर्माण के अंतर्गत जिलाड़ी माइनर हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), रायगढ़ के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
अलरमेलमंगई डी., कलेक्टर एवं पदेन संयुक्त सचिव.

कार्यालय, कलेक्टर, जिला महासमुंद, छत्तीसगढ़ एवं पदेन संयुक्त सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

महासमुन्द, दिनांक 16 मई 2016

क्रमांक 136/16 अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-महासमुन्द
- (ख) तहसील-पिथौरा
- (ग) नगर/ग्राम-भुरकोनी
- (घ) लगभग क्षेत्रफल-1.13 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
863	0.72
864	0.08
868	0.08

	(1)	(2)
	877	0.25
योग	4	1.13

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-भुरकोनी-चौकबेड़ा मार्ग पर मचका नाला में पुल एवं पहुंच मार्ग निर्माण कार्य हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व) एवं भू-अर्जन अधिकारी, पिथौरा के कार्यालय में किया जा सकता है.

महासमुन्द, दिनांक 20 मई 2016

क्रमांक/146/क/भू-अर्जन/17/अ-82/2014-15.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-महासमुन्द
- (ख) तहसील-पिथौरा
- (ग) नगर/ग्राम-चौकबेड़ा
- (घ) लगभग क्षेत्रफल-0.76 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	597	0.22
	590	0.19
	595	0.05
	589	0.02
	594	0.25
	594	0.03
योग	6	0.76

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-भुरकोनी-चौकबेड़ा मार्ग पर मचका नाला में पुल एवं पहुंच मार्ग निर्माण कार्य हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (रा.), पिथौरा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
उमेश कुमार अग्रवाल, कलेक्टर एवं पदेन संयुक्त सचिव.

कार्यालय, कलेक्टर, जिला दुर्ग, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

दुर्ग, दिनांक 18 मई 2016

क्रमांक/1194/अ.भू.-अ.प्र./03/अ-82/वर्ष 2015-16.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-दुर्ग
- (ख) तहसील-धमधा
- (ग) नगर/ग्राम-कंडरका, प.ह.नं. 52
- (घ) लगभग क्षेत्रफल-0.06 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	352	0.06
योग	1	0.06

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-ग्राम पहुंच मार्ग में सड़क निर्माण योजना हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), धमधा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आर. शंगीता, कलेक्टर एवं पदेन उप-सचिव.

विभाग प्रमुखों के आदेश

कार्यालय कलेक्टर, (पंचायत) जिला कोण्डागांव (छ.ग.)

कोण्डागांव, दिनांक 24 मई 2016

क्रमांक/282/पंचायत/निर्वा./2016.— जिला कोण्डागांव दिनांक 24-05-2016 छत्तीसगढ़ शासन, पंचायत एवं ग्रामीण विकास विभाग की अधिसूचना क्रमांक एफ-1-11-95-22-पं.-02 दिनांक 23 फरवरी 1999 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, छत्तीसगढ़ पंचायत राज अधिनियम 1993 (क्रमांक 1 सन् 1994) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 03/धारा 129 ख (1) के प्रावधानों के अधीन राजस्व जिला कोण्डागांव के कलेक्टर द्वारा संलग्न सारणी (जिसे इसके पश्चात् "सारणी" कहा गया है) के स्तंभ (4) में दर्शाये गये गांव या गांवों के समूह के लिये जिसकी जनसंख्या सारणी के स्तंभ (5) में दर्शायी गई है, सारणी के स्तम्भ (3) में उल्लेखित नाम से उक्त अधिनियम के प्रयोजनों के लिये "ग्राम" के रूप में विनिर्दिष्ट किया जाता है तथा सार्वजनिक जानकारी के लिये एतद्द्वारा प्रकाशित किया जाता है.

इस स्थापित ग्राम में अधिनियम की धारा 8 (क) के अनुसार ग्राम पंचायत का गठन किया जायेगा. इस प्रकार गठित ग्राम पंचायतों को अधिनियम की धारा 11 के अन्तर्गत वर्णित अधिनियम के प्रयोजनों के लिये आवश्यक अन्य समस्त शक्तियां प्राप्त होंगी.

सारणी

खण्ड का नाम	अनु.	ग्राम का नाम	ग्राम के अन्तर्गत आने वाले गांव/गांवों का नाम	जनसंख्या वर्ष 2011		पटवारी हल्का नम्बर
(1)	(2)	(3)	(4)	(5)		(6)
बड़ेराजपुर	1	विश्रामपुरी "अ"	विश्रामपुरी "अ"	2244	2576	03
			रोगाडिही	332		
	2	विश्रामपुरी "ब"	विश्रामपुरी "ब"	1732	1732	03
	3	खरगांव	खरगांव	1368	1368	03
	4	जिर्रापारा	जिर्रापारा	913	913	03
	5	बीरापारा	बीरापारा	2260	3052	03
			फरसाडिही	792		
			योग	**9641**	**9641**	

Block - Baderajpur, Distt.-Kondagaon (C.G.)

TABLE

Name of Block	S. No.	Name of Village Panchayat	Name of Villages included in village Pachayat	Population Year 2011		Patwari Circle No.
(1)	(2)	(3)	(4)	(5)	Total	(6)
Baderajpur	1	Vishrampuri A	Vishrampuri A	2244	2576	03
			Rogadihi	332		03
	2	Vishrampuri B	Vishrampuri B	1732	1732	03
	3	Khargoan	Khargoan	1368	1368	03
	4	Jirapara	Jirapara	913	913	03
	5	Birapara	Birapara	2260	3052	03
			Pharsadihi	792		03
			Total	**9641**	**9641**	

शिखा राजपूत तिवारी,
कलेक्टर.

कार्यालय, सहायक संचालक, नगर तथा ग्राम निवेश, क्षेत्रीय कार्यालय, जांजगीर-चांपा, छत्तीसगढ़

जांजगीर-चांपा, दिनांक 17 मई 2016

क्रमांक/591/न.ग्रा.नि./बलौदा/वि.यो./2016.— एतद्द्वारा यह सूचना दी जाती है कि छ.ग. नगर तथा ग्राम निवेश अधिनियम 1973 (क्रमांक 23 सन् 1973) की धारा 15 की उपधारा (3) के अनुसरण में सर्वसाधारण की जानकारी हेतु यह प्रकाशित किया जाता है, कि आयुक्त सह संचालक, नगर तथा ग्राम निवेश छ.ग. नया रायपुर द्वारा निम्न अनुसूची में विनिर्दिष्ट बलौदा निवेश क्षेत्र के वर्तमान भूमि उपयोग संबंधी मानचित्र को सम्यक् रूप से अंगीकृत किए जाते हैं इस सूचना की प्रतिलिपि छत्तीसगढ़ नगर तथा ग्राम निवेश अधिनियम, 1973 (क्रमांक 23 सन् 1973) की धारा 15 की उपधारा (4) के अनुसरण में "छत्तीसगढ़ राजपत्र" में प्रकाशन हेतु भेजी जा रही है, जो इस बात का निश्चायक साक्ष्य होगा कि उक्त मानचित्र सम्यक् रूप से तैयार तथा अंगीकृत कर लिया गया है :—

अनुसूची

बलौदा निवेश क्षेत्र की सीमाएं

उत्तर में : ग्राम बेलन्दियाडीह, झारीडीह तथा बलौदा ग्रामों की उत्तरी सीमा तक.
पूर्व में : ग्राम बलौदा तथा चारपारा ग्रामों की पूर्वी सीमा तक.
दक्षिण में : ग्राम चारपारा, बुचीहरदी तथा बलौदा ग्रामों की दक्षिणी सीमा तक.
पश्चिम में : ग्राम बलौदा तथा बेलन्दियाडीह ग्रामों की पश्चिमी सीमा तक.

उक्त अंगीकृत वर्तमान भूमि उपयोग मानचित्र एवं रजिस्टर "छत्तीसगढ़ राजपत्र" में प्रकाशन की तिथि से 15 दिवस की समयावधि के भीतर निम्नलिखित स्थल पर सार्वजनिक निरीक्षण हेतु कार्यालयीन अवधि में कार्यकारी दिवसों में (अवकाश को छोड़कर) खुला रहेगा.

निरीक्षण स्थल :— कार्यालय नगर पंचायत बलौदा जांजगीर (छ.ग.).

बी. के. तिवारी,
सहायक संचालक.

कार्यालय, उप संचालक, नगर तथा ग्राम निवेश, क्षेत्रीय कार्यालय, रायगढ़, (छ.ग.)

रायगढ़, दिनांक 14 मार्च 2016

क्रमांक 302/नग्रानि/15.— एतद्द्वारा सूचना दी जाती है कि सरिया निवेश क्षेत्र के वर्तमान भूमि उपयोग संबंधी मानचित्र एवं रजिस्टर छत्तीसगढ़ नगर तथा ग्राम निवेश अधिनियम 1973 (क्रमांक 23 सन् 1973) की धारा 15 की उपधारा (1) के अधीन तैयार किया गया है एवं उसकी एक प्रति कलेक्टर जिला रायगढ़, कार्यालय नगर पंचायत सरिया (सभाकक्ष भवन) तथा कार्यालय उप संचालक, नगर तथा ग्राम निवेश रायगढ़ के कार्यालयों में दिनांक 14-03-2016 से कार्यालयीन अवधि के दौरान कार्यकारी दिवसों में निरीक्षण के लिए उपलब्ध है. सरिया निवेश क्षेत्र की सीमा निम्नलिखित अनुसूची में अंकित है :—

अनुसूची

सरिया निवेश क्षेत्र की सीमाएं

उत्तर में : ग्राम लिपती, नदीगांव एवं सुरसी ग्राम की उत्तरी सीमा तक.
पूर्व में : ग्राम सुरसी, भठली, पुजेरीपाली एवं भुलूमुड़ा ग्राम की पूर्वी सीमा तक.
दक्षिण में : ग्राम भुलूमुड़ा, कंचनपुर, कान्दूलपाली एवं पंचधार ग्राम की दक्षिणी सीमा तक.
पश्चिम में : ग्राम पंचधार, नावापारा छोटे एवं लिपती ग्राम की पश्चिमी सीमा तक.

इस प्रकार तैयार किए गए अनुसूची के वर्तमान भूमि उपयोग संबंधी मानचित्र एवं रजिस्टर के संबंध में यदि कोई आपत्ति या सुझाव हो तो उक्त विनिर्दिष्ट स्थलों पर तथा इस सूचना के छत्तीसगढ़ राजपत्र में प्रकाशन की तारीख से 30 दिन की समयावधि के भीतर लिखित रूप से कार्यालय उप संचालक नगर तथा ग्राम निवेश रायगढ़ (छ.ग.) को या निरीक्षण स्थल पर प्रस्तुत किया जाना चाहिए.

भूमि के वर्तमान उपयोग संबंधी उक्त मानचित्र के संबंध में किसी ऐसे आपत्ति या सुझाव पर जो किसी व्यक्ति के द्वारा विनिर्दिष्ट कालावधि के भीतर प्राप्त हो तो उप संचालक, नगर तथा ग्राम निवेश, क्षेत्रीय कार्यालय रायगढ़ द्वारा विचार किया जावेगा.

No. 302/TCP/2015.—Notice is hereby given that the existing land use maps and register in Saria Planning Area has been prepared under sub-section (i) of section 15 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam 1973 (No. 23 of 1973) and a copy there of is available for inspection from 14-03-2016 During office houre in the office of Collector Raigarh, Nagar Panchayat Saria (Sabha Kaksh Bhawan) and Deputy Director, Town & Country Planning Raigarh. The limit of the Saira Planning Area is defined in the schedule given below :—

SCHEDULE

Limit of Saria Planning Area

NORTH : Village Lipti, Nadigaon and upto the Northern Limit of Village Surshi.
EAST : Village Surshi, Bhathali, Pujeripali and upto the Eastern Limit of Village Bhulumuda.
SOUTH : Village Bhulumuda, Kanchanpur, Kandulpali and upto the Southern Limit of Village Panchdhar.
WEST : Village Panchdhar, Navapara Chhote and upto the Western Limit of Village Lipti.

If there be any objection or suggestion with respect to the existing land use map so prepared it should be sent in writing to the Deputy Director Town & Country Planning, Raigarh C.G. or Inspection site within a period of Thirty Days from the that date of publication of the Notice in the Chhattisgarh Gazette.

Any objection or suggestion which may be received from any person with respect to the said existing land use map before the period specified above will be considered by the Dy. Director Town & Country Planning Raigarh.

आर. एन. प्रसाद,
सहायक संचालक.

कार्यालय, उप संचालक, नगर तथा ग्राम निवेश, क्षेत्रीय कार्यालय, जगदलपुर (छ.ग.)

जगदलपुर, दिनांक 7 मई 2016

क्रमांक/671/बस्तर व.भू-उप./नग्रानि/2016.— एतद्द्वारा यह सूचना दी जाती है कि बस्तर निवेश क्षेत्र के लिए वर्तमान भूमि उपयोग संबंधी मानचित्र एवं रजिस्टरों को छत्तीसगढ़ नगर तथा ग्राम निवेश अधिनियम 1973 (क्रमांक 23 सन् 1973) की धारा 15 की उपधारा (1) के अधीन तैयार किया गया है और उसकी एक-एक प्रति कार्यालय नगर पालिका निगम कार्यालय भवन जगदलपुर (प्रदर्शनी स्थल) जिला बस्तर, कार्यालय कलेक्टर जिला बस्तर एवं कार्यालय उप संचालक, नगर तथा ग्राम निवेश, संयुक्त जिला कार्यालय भवन द्वितीय तल जगदलपुर कक्ष क्र. 31 में दिनांक 06 मई 2016 से कार्यालयीन अवधि के दौरान कार्य दिवसों में निरीक्षण के लिए उपलब्ध है. बस्तर निवेश क्षेत्र की सीमा निम्नलिखित अनुसूची में दर्शित है :—

अनुसूची

बस्तर निवेश क्षेत्र की सीमाएं

उत्तर में : ग्राम बालेंगा, दुबेउमरगांव, गुफनी, रेटावण्ड, बेसरापाल एवं सेमलनार ग्राम की उत्तरी सीमा तक.
पूर्व में : ग्राम सेमलनार, चोलनार, कचनार एवं बांगपाल ग्राम की पूर्वी सीमा तक.
दक्षिण में : ग्राम बांगपाल, परचनपाल, टाकरागुड़, भाटपाल, भुरसुण्डी एवं आड़ावाल ग्राम की दक्षिणी सीमा तक.
पश्चिम में : ग्राम आड़ावाल, भोन्ड, सोलेमेटा एवं बालेंगा ग्राम की पश्चिमी सीमा तक.

यदि इस प्रकार तैयार किए गए अनुसूची के वर्तमान भूमि उपयोग संबंधी मानचित्र एवं रजिस्टर के संबंध में कोई आपत्ति या सुझाव हो तो उक्त विनिर्दिष्ट स्थलों पर तथा इस सूचना के छत्तीसगढ़ राजपत्र में प्रकाशन की तारीख से 30 दिनों की समयावधि के भीतर लिखित रूप में उप संचालक, नगर तथा ग्राम निवेश, जगदलपुर को प्रस्तुत किया जाना चाहिए.

भूमि के वर्तमान उपयोग संबंधी उक्त मानचित्र के संबंध में किसी ऐसे आपत्ति या सुझाव पर जो किसी व्यक्ति के द्वारा विनिर्दिष्ट कालावधि के भीतर प्राप्त हों, संचालक, नगर तथा ग्राम निवेश द्वारा विचार किया जायेगा.

निरीक्षण स्थल :— कार्यालय नगर पंचायत भवन बस्तर.

No. 671/Bastar. EXT.L./T&CP/2016.—Notice is hereby given that the existing land use map for Bastar Planning Area has been prepared under section 15 sub section (1) of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam 1973 (No. 23 of 1973) and a copy there of is available for inspection from dated 06-05-2016 during office hours in the Office of the Nagar Palika Nigam (Exhibition Venue) Jagdalpur, Office of the Collector, District Bastar & Office of Deputy Director, Town & Country Planning, Collectorate Compound Composite Building Jagdalpur, Dist. Bastar. The limit of the Bastar Planning Area is defined in the schedule given below :—

SCHEDULE

Limits of Bastar Planning Area

NORTH	:	Village Balenga, Dubeumargaon, Gufni, Raitband, Besarpal and Semalnar to the northern limit.
EAST	:	Village Semalnar, Cholnar, Katchnar and Bangpal upto the eastern limit.
SOUTH	:	Village Bangpal, Parchanpal, Takarguda, Baathpal, Bursundi and Aadawal upto the southern limit.
WEST	:	Village Aadawal, Bhoondh, Solemeta and Balenga upto the western limit.

If there be any objection or suggestion with respect to the existing land use map so prepared it should be sent in writing to the Deputy Director, Town & Country Planning, Jagdalpur within a period of thirty days from the date of publication of the notice in the Chhattisgarh Gazette.

Any objection or suggestion which may be received from any person with respect to the said existing land use map before the period specified above will be considered by Director.

Place of Inspection : Nagar Panchayat Bhavan, Bastar.

डी. के. बघेल,
सहायक संचालक.

कार्यालय मुख्य निर्वाचन पदाधिकारी, छत्तीसगढ़

शास्त्री चौक, पुराना मंत्रालय परिसर, रायपुर

रायपुर, दिनांक 8 अप्रैल 2016

फा. क्रमांक-18/निर्वा. याचिका/03/2009-16/63.—भारत निर्वाचन आयोग, नई दिल्ली द्वारा जारी अधिसूचना संख्या-82/छ.ग.-वि.स./(9/2014)/2015/240, दिनांक 29-03-2016 लोक प्रतिनिधित्व अधिनियम ,1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी संख्या-9/2014 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 16 सितम्बर, 2015 के आदेश को राज्य के शासकीय राजपत्र में सर्व साधारण की जानकारी हेतु प्रकाशित की जाती है.

निधि छिब्बर,
मुख्य निर्वाचन पदाधिकारी.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली 110001

नई दिल्ली, तारीख 29 मार्च, 2016—9 चैत्र, 1938 (शक)

अधिसूचना

सं. 82/छ.ग.-वि.स./(9/2014)/2015.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी सं. 9/2014 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 16 सितम्बर, 2015 के आदेश को प्रकाशित करता है.

आदेश से,

हस्ता./-
(आर. के. श्रीवास्तव)
प्रधान सचिव,
भारत निर्वाचन आयोग.

HIGH COURT OF CHHATTISGARH AT BILASPUR

E. P. No. 09 of 2014

Smt. Vani Rao, W/o. E. Ramendra Rao, Aged About 53 Years, R/o Near Satyam Talkies, P. S. Civil Lines, Head Post Office-Bilaspur, Distt.-Bilaspur C.G.

— Petitioner

VERSUS

1. Shri Amar Agarwal S/o Late Lakhiram Agrawal, Aged About 52 Years R/o Civil Lines , Bilaspur C.G.

2. The Returning Officer/Collector Bilaspur, Distt.-Bilaspur C.G.

— Respondents

For the Petitioner	:	Mr. B. P. Sharma and M.L. Saket, Advocates
For Respondent No. 1	:	Dr. N. K. Shukla, Sr. Advocate with Shri A.S. Kachhawaha, Shailendra Shukla and Ms. Pushpa Dwivedi, Advocates

SB: Hon'ble Shri Goutam Bhaduri, J

CAV ORDER

16-09-2015

1. This order shall govern the disposal of application under Order 7 Rule 11 of C.P.C., filed on 21-03-2014 wherein the Respondent No. 1 has challenged the tenability of the election petition. Another application was moved under Order 7 Rule 11 on 09-03-2014 which is not pressed by the respondent.

2. The written statement in this election petition has been filed on 08-05-2014. Prior to that an application under Order 7 Rule 11 of CPC was preferred to challenge the maintainability of the petition. The Instant I.A. No. 1/2014 is under Order 7 Rule 11 of CPC filed by Respondent No. 1, the returned candidate, who contested the election for the Chhattisgarh State Legislative Assembly held in the year 2013 from constituency No. 30 Bilaspur as a candidate of Bharatiya Janta Party.

3. Dr. N. K. Shukla, learned senior counsel appearing on behalf of respondent No. 1 submits that primary ground of challenge in this election petition is that the voters list which was earlier utilized was erroneous, therefore, it resulted to cause defeat of the petitioner. It is contended that such ground cannot be made a subject matter to set aside the election of Respondent No. 1 under the Representation of People Act, 1951 (For short "R. P. Act 1951"). It is stated that since the pleadings do not constitute a cause of action triable under the Act 1951 as such the petition is not tenable. It is further submitted that since the entire cause of action is based on defective voters list, the same cannot be subject of cause of action in the election petition as the Court cannot probe into the matters governed by Representation of People's Act 1950 and consequently, the election cannot be declared void. Further submissions of counsel for respondent No. 1 are as follows :

   (i) That the grounds to set aside the election is enumerated in Section 100 of the R. P. Act, 1951 and the provision of sub-section (1)(d)(iv) mandates that in order to declare a election void, the non-compliance is to be within the provisions of Constitution or of this Act or any Rules made under the Act. It is, therefore, submitted that the grounds of defective voters list is the subject which is covered under the Act of 1950 cannot be made a ground to challenge the election under the Act of 1951.

   (ii) The counsel further made a reference to the Representation of People Act, 1950 (hereinafter referred to as "the Act of 1950") and contended that the preamble of the Act is for preparation of electoral rolls, manner of filing seats in council to be filed by the representatives which is covered under Part-III of the Act of 1950.

   (iii) He further referred to Section 21 of the Act of 1950 which is for preparation and revision of electoral rolls. Section 22 is for correction of entries in electoral rolls. Section 23 is for inclusion of names in electoral rolls and Section 24 is for appeals. Therefore, he submits that the entire procedure for inclusion and exclusion of names are covered by the Act of 1950, which is a Code in itself, so the election petition would not lie on the ground of erroneous electoral list and such remedy in not available to the petitioner.

   (iv) He further referred to Section 30 of the Act of 1950 and would submit that the jurisdiction of Civil Court is barred under the Act of 1950 about preparation of electoral roll, and therefore, the finality has been given to such preparation of electoral rolls, which can not be a subject matter of election petition.

   (v) The learned counsel read out the averments of the election petition and would submit that the allegations about the deletion of name of voters have been made but it is not founded on any material facts.

4. Learned counsel made a reference to Para 4 of the election petition and stated that the entire preamble of the election petition is contained in this para. Referring to pleading, it is stated that pleading to the effect that how the will of people of the region was over shadowed by employing the people of other region and imaginary facts are produced that since the real voters were eclipsed by the other voters who are outsiders, the monarchy was created. It is stated that such pleadings are vague and without any foundation and pleadings of material facts.

5. It is further submitted that at Para 5, the petitioner has stated that thousands of voters who were outsiders were added in the voters list and therefore, the election be declared void which cannot be questioned in election petition. It is contended that Representation of People's Act, 1950 lays down the scheme with reference to the electoral roll.

6. Respondent No. 1 has further contended that the entire gist of the election petition is stated at para 4. It is predominantly stated that the people who were entitled were not allowed to cast their votes as the people/ voters of other constituencies have cast their votes, therefore, the entire challenge was on the defective voters list.

7. In this context, he referred to a case law reported in **AIR 1963 SC 458** and would submit that the Civil Court shall have no jurisdiction to question the legality of any action taken by or under the authority of Electoral Registration Officer it can be rectified only in the manner prescribed by law by preferring an appeal under Rule 27 of the Rules or by resorting to any other appropriate remedy. Therefore, it is contended that since the object of legislature was to give finality to the subject, the defective electoral rolls can not be questioned in this election petition.

8. He also made a reference to **AIR 1970 SC 340** and stated that the validity of such votes once cast can not be questioned by way of election petition and would submit that meaning thereby the election can not be challenged on the ground of wrong electoral rolls.

9. It is further contended that Representation of People Act, 1950 provides for preparation of voters list. Accordingly, Section 21 of the Act, 1950 deals with preparation and revision of electoral rolls and section 22 deals with correction of entries in electoral rolls. He further submitted that in Section 22 of the Act, 1950, 3 grounds are mentioned as (a)(b)(c) wherein the words 'person concerned' have been used. So according to the Act, the individual entries are to be examined and not in bulk or group and before doing so the individual has to be heard. He further made a reference to Section 23 of the Act, 1950 and submitted that the inclusion of names in the electoral rolls is made under Section 23, which is an individual right and after the electoral roll is prepared, the same cannot be subject of challenge after the date of nomination. It is submitted that in this case, the date of nomination is 01-11-2013. Thereafter, the electoral rolls reached to the finality. So if any individual is aggrieved then the appeal lie u/s 24 of the Act and the jurisdiction of Civil Court is barred u/s 30 of the Act, 1950. So the finality has been given to the electoral roll. It is further contended on behalf of the respondent No. 1 that vague averments have been made about the corrupt practice without any material particulars thereof and with respect to the expenses of the election, vague statements have been made without any material particulars so as to know the respondents as to what case he has to meet out. Therefore, in such ambiguity, no cause of action arises for consideration, therefore, the petition is liable to be dismissed.

10. Per contra, Shri B.P. Sharma, learned counsel appearing on behalf of the petitioner submitted that-

(i) The respondent No. 1 has completely misinterpreted the pleadings. He would submit that it is not a case of defective voters' list. He submits that by the pleading the cause of action would be clear from para 5 of the petition wherein it is stated that the respondent being Member of Legislative Assembly for the last 3 consecutive terms employed illegal and unethical attitude to manage the affairs with the help of concerned officers and thousands of persons who are not the voters have been allowed to vote. He submits that the case is, therefore, covered under Section 123(7) of the Representation of People's Act, 1951 which takes within its sweep of obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent for furtherance of the prospects of the candidate's election. It is contended that the corrupt practice can be in furtherance of prospects of that candidate if it has been abetted by any Gazetted Officers. He, therefore, submits that here the officers of the State Government have supported the respondent No. 1 to procure and abet the voters in furtherance of voting and thereby the respondent has succeeded in election with the help of concerned officers.

(ii) It is further contended that at the time of election the petitioner was a mayor of the Bilaspur City, therefore, had the privilege to gauge the mind of people and in pre-poll survey, it came to the notice of petitioner that false voters list has been prepared. Referring to a place of voting i.e., booth No. 101, he submitted that according to the ratio of voting as against the population, it reached more than 100% which is abnormal, therefore, it will lead to make an inference that the Government officers were working for a particular political party i.e., BJP which is in power. He submits that at para 5 of the petition, this fact has been pleaded that false and frivolous names of voters were added with the help of government officers and paras 6 & 7 would disclose that as many as 6000 voters were from outside of the adjacent legislative assembly constituency of Beltara. It is further submitted that 6000 voters were outsiders and on the particular day, as would be evident and as pleaded at para 8, thousands of people came from outside to vote for respondent No. 1 and therefore, it would amount to corrupt practice.

(iii) He further referred to pleading that the voting ratio which is shown along-with the documents filed would show that there has been abrupt increase in the voting which is abnormal and would lead to show that corrupt practice has been adopted as more than permissible limits the voters have cast their votes. By referring to a case law reported in **AIR 1975 SC 2299 (Indira Nehru Gandhi Vs. Raj Narain)** he submitted that section 101 (b) of the Act 1951 speaks of commission of corrupt practice by a returned candidate and, it can amount to commission of corrupt practice by a candidate before he became a returned candidate. Therefore, since respondent No. 1, returned candidate, had taken the help of government officers to include the names of voters who were not belonged to particular area i.e., Bilaspur constituency, however, have cast their votes thereby respondent No. 1 procured and abetted the government officers for furtherance of his prospects which would amount to corrupt practice. The petitioner, therefore, submits that the application under Order 7 Rule 11 is liable to be dismissed at the threshold having no merit.

11. I have heard learned counsel for the parties and perused the pleadings of the petition.

12. One of the basic objections raised by respondent No. 1 is that the nature of complaint made in the election petition cannot be gone into by way of election petition as the Act of 1951 does not permit such ground to challenge the election petition on the ground of defective voters list. In this context, it would be relevant to note certain dates of election schedule which are reproduced hereinbelow for the sake of convenience.

Date of Notification of election	25th Oct. 2013
Date of filing nomination	1st Nov. 2013
Date of scrutiny of nominations	2nd Nov. 2013
Date of withdrawal/taking back the name	4th Nov. 2013
Date of election	19th Nov. 2013
Date of result declaration	8th Dec. 2013

13. The petitioner secured 56656 votes whereas respondent No. 1 the returned candidate had secured 72,255 votes. When Para 4 of the petition is read, it starts with the words "the question in the present petition which the petitioner is raising that if in a given case any person overpowered the will of the people by managing the affairs or the will of the people of the region is overshadowed by employing voters of other region". It further states that the will of true voters of the area has not been depicted and those persons have been allowed to vote who are not the voters of the region and have been allowed to vote en-block in favour of Respondent No. 1. The pleading, therefore, suggests that the names of outside voters were included in voters list who have cast their votes.

14. Section 100 of the R.P. Act, 1951 deals with grounds for declaring election to be void. The relevant part of section 100 which would be applicable in the instant case is reproduced herein below :

100. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a) xx xx xx

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(c) xx xx xx

(d) that the result of the election, in so far as it concerns, a returned candidate has been materially affected—

(i) xxx xxx xxx

(ii) by any corrupt practice committed in the interests of the returned candidate [by an agent other than his election agent] or

(iii) xxx xxx xxx

(iv) by any non-compliance with the provisions of Constitution or of this Act or of any rules or order made under this Act.

The High Court shall declare the election of the returned candidate to be void.

15. At para 4, it has been stated that the names of outside persons have been added in the electoral roll. It is not in dispute that the Parliament amended the provisions of 1951 Act in 1956 and before that, the provisions of Section 100(2)(c) of Representation of People Act, 1951 were as follows :—

"100 (2)..........................if the Tribunal is of opinion-

(a) xx xx xx

(b) xx xx xx

(c) that the result of the election has been materially affected..............., by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to the election ...., the Tribunal shall declare the election of the returned candidate to be void."

It is therefore important to note that the Parliament while amending the provision had omitted the words "or of any other Act or rules relating to the election. Thereby obviously, the courts jurisdiction was limited by the Amendment made in 1956 in section 100(1)(d)(iv) of Act 1951. Therefore, it will lead to make an inference that the jurisdiction was taken away or abridged except for (i) any breach of constitution or (ii) non-observation of provisions of the Act of 1951 or Rules made under the Act of 1951.

16. So on careful reading of the Act of 1951 and upon considering the relevant statutory provisions and the authorities aforesaid, it points out that violation or non-observance purely of the Act of 1950 or any rules made thereunder is outside the purview of Section 100(1)(d)(iv) of the Representation of the People Act, 1951 and, as such, an Election Court which derives its jurisdiction from the 1951 Act is not entitled to look into that violation or non-observance.

17. The petitioner contended that the names of outside voters were added in the electoral roll. If section 36 sub-section (7) of the Act, 1951 is perused, it provides that at the time of scrutiny, entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of People Act, 1950. Therefore, the question as to whether the names of voters were lawfully included in the electoral roll as defined in section 2(e) of the Act, 1951 cannot be given an interpretation that the words the eligible and lawful elector on the given date. So if the names of elector was included in the voters list, the finality of such list is attached u/s 30 of the Act of 1950 as no civil court shall have the jurisdiction to question the same. Likewise, the High Court shall not have any jurisdiction to question the legality of inclusion of persons name in electoral roll except where it can be shown that there is violation of an express provision of constitution. In the instant case, no pleading exists about any violation of provision of constitution.

18. The argument of defect in the voters list was considered by Their Lordship way back in the year 1976 in a case of **Ramji Prasad Singh Vs. Ram Bilas Jha AIR 1976 SC 2573** wherein the Court interpreting the provisions held that when the names have been included in the electoral roll the entries are conclusive of the right of those members to vote at the election and the Court has no power or jurisdiction to go behind the entries and inquire into their validity. The Supreme Court while interpreting section 62 sub-section (1) of the Representation of People Act 1951 at para 19 stated that this section provides that "No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency." The Apex Court further held that sub-section may be split up in two parts so as to make its meaning and intendment clear. It provides in the first place that a person who is not entered in an electoral roll of constituency shall not be entitled to vote in that constituency. Secondly, it provides that, except as expressly provided by the Act, every person who is for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

19. The Supreme Court in a case law reported in **AIR 1963 SC page 458** while interpreting inclusion of names of voters of the electoral roll held that it cannot be questioned in civil court but it can be rectified only in the manner prescribed in law i.e. preferring an appeal. At this juncture, if we refer to Part-III of Representation of People Act 1950, it deals with electoral rolls for assembly constituencies. Section 14 is about the definition. Section 15 says provides for electoral roll for every constituency. Section 16 deals with disqualifications for registration in an electoral roll. Section 17 says that no person would be registered in more than one constituency. Section 18 says that no person will be registered more then once in any constituency. Section 19 says about the condition of registration. Section 20 is meaning of "ordinarily resident" whereas Section 21 is about preparation of revision of electoral rolls. Section 21 in this connection would be relevant which lays down preparation and revision of electoral roll. Like wise, section 22 of the Act, 1950 provides for correction of entries in electoral roll. Section 23 is about the inclusion of names in the electoral rolls. Section 24 provides for appeal. Section 30 of Part-V speaks about the bar of civil courts jurisdiction.

20. Therefore, necessary inference will be that the electoral roll having been prepared before the prescribed date, it will have finality. Hence, the finality of the electoral roll cannot be challenged in a proceeding challenging the validity of election. The right to vote being purely a statutory right, the validity of vote is to be examined on the basis of provisions of the Act. Therefore, the entries in the electoral roll are final and cannot be challenged. The Supreme Court in Kabul Singh Vs. Kundan Singh, **AIR 1970 SC 340** interpreted the provisions and at para 9 held thus :

"9. It is not the case of the appellant that Tarsem Singh had incurred any of the disqualifications mentioned therein. No other provision of law in the Act or in any other law was brought to our notice disqualifying him from exercising his vote. The right to vote being purely a statutory right, the validity of any vote has to be examined on the basis of the provisions of the Act. We cannot travel outside those provisions to find out whether a particular vote was a valid vote or not. In view of Section 30 of the 1950 Act, Civil Courts have no jurisdiction to entertain or adjudicate upon any any question whether any person is or is not entitled to register himself in the electoral roll in a constituency or to question the illegality olf the action taken by or under the authority of the electoral registration officer or any decision given by any authority appointed under that Act for the revision of any such roll. Part III of the 1950 Act deals with the preparation of rolls in the a constituency. The provisions contained therein prescribed the qualifications for being registered as a voter (section 19), disqualifications which disentitle a person from being registered as a voter (section 16), revision of the rolls (section 21), correction of entries in the electoral rolls (section 22), inclusion of the names in electoral rolls (section 23), appeals against orders passed by the concerned authorities under Sections 22 & 23 (section 24). Sections 14 to 24 of the 1950 Act are integrated provisons. They form a complete code by themselves in the matter of preparation and maintenance of electoral rolls. It is clear from those provisions that the entries found in the electoral roll are final and they are not open to challenge either before a Civil Court or before a Tribunal which considers the validity of any election. In B.M. Ramaswamy v. B. M. Krishnamurthy, 1963-3 SCR 479- (AIR 1963 SC 458), this Court came to the conclusion that the finality of the electoral roll cannot be challenged in a proceeding challenging the validity of the election."

21. Further, the application of Sections 21 & 23 of the Representation of People Act 1950 and Rules 20 & 23 of Registration of Electoral Rules (1960), which govern preparation of revision of electoral roll and inclusion of names in the electoral roll was considered by the Supreme Court in **AIR 1985 SC 1233 Lakshmi Charan Sen Vs. A.K.M. Hassan Uzaman**. The Apex Court in such judgment interpreted the effect of Act and Rules and came to a finding that right to be included in the electoral roll or challenge to the inclusion of any name in the roll is a right conferred upon an individual. Further it held that even if the names are wrongly included or not included, the election will not be vitiated and the election petition to be considered on the basis of electoral roll in force on the last date of making nomination. The Supreme Court at Paras 15 & 20 held thus :

"15. Holding the elections to legislatures and holding them according to law are both matters of paramount importance. On the one hand is the individual's statutory right of franchise, on the other is the constitutional obligation imposed by Article 168 that "For every State there shall be a Legislature......" We find it somewhat odd that, in the instant case, individuals whose rights are alleged to have been violated have not come to the Court at all. Not one out of the eight lakhs. Persons who have come to the Court are members of a political party who calim to represent them. While we are on this question, it must be emphasized that Election Laws do not recognize political parties except in rule 11(c) of the Registration of Electors Rules,

1960, the Election Symbols (Reservation and Allotment) Order, 1968, and Explanation 1 to Se. 77(1) of the Act of 1951. The right to be included in the electoral rolls or to challenge the inclusion of any name in the roll is a right conferred upon an individual and not upon any political party. The petitioners are espousing the cause of unnamed and undisclosed persons through a writ petition, which does not even claim to possess a representative capacity. The upshot of petition filed by them is that some 3 crores of voters were being deprived of an opportunity to exercise their franchise in order that an investigation should be made as to whether the names of some 5 lakhs and odd persons should be included or excluded from the electoral roll.

20. As a result of this discussion, it must follow that the fact that certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law, cannot arrest the process of election to the legislature. The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations."

22. By application of the aforesaid legal principle, even if the submission of petitioner as made at para 4 is admitted to the effect that the wrong/outsider voters were allowed to be incorporated in the voters list, the same cannot be made a ground as it cannot be inferred that the acceptance of voters included in the voters list who were outsiders has vitiated the election. The averments of Para 4 can be looked into from other angle also. The petitioner has categorically pleaded that few of the voters were included in the voters list who were not residents of particular area and are residents of outside area and they have voted for respondent No. 1. The said averments are completely on the basis of presumption. Even if it is admitted for the sake of convenience that few of outside voters have voted, in secret ballot system the right to vote being purely an individual statutory right which is confidential in nature it cannot be inferred that all the outside voters whose names were included in the voters list have particularly voted for only respondent No. 1 and thereby have not voted in favour of the petitioner. It can also be inferred that the outside voters have cast votes in favour of the petitioner, therefore, the election petition on such ground cannot be gone into only on the basis of presumption thereby in absence of any material particulars.

23. Now if paras 5 & 6 of the petition are perused, the petitioner has averred that respondent No. 1 has been elected continuously for the last 3 terms and during this period in order to create a monarchy has empolyed all such illegal activities and managed the affairs with the help of concerned officers by adding the names of thousands of outside voters who are not the voters of the assembly constituency of Bilaspur. It is further pleased that the Congress Committee of Bilaspur city has made complaint to the District Election Officer much prior to the election. Admittedly, no complaint is made by the individual. Section 23(3) of the Representation of People Act, 1950 takes away the power of the Electoral Registration Officer or the Chief Electoral Officer to correct the entries in the electoral rolls or to include new names in the electoral rolls of a constituency after the last date for making the nomination for election in that constituency and before the completion of that election. Section 23(3) of the Act 1950 does not deal with any mode or procedure in the matter of registering the voters. Rather it interdicts the concerned officers from interfering with the electoral roll under the prescribed circumstances. It puts stop to the power conferred on them. The object of section 23(1) & (2) or the Act 1950 is to see that to the extent possible, all persons qualified to be registered as voters in any particular constituency should be duly registered and to remove from the rolls all those who are not qualified to be registered. Sub-section (3) of Section 23 is an exception to the rules and it gives mandate to the electoral registration officers not to amend, transpose or delete any entry in the electoral roll of a constituency after the last date for making nominations for election in that constituency and before the completion of that election.

24. According to the pleading, the Congress party has raised objection but if the registration of electoral rolls u/ss 19, 20 is examined, it would reflect that it is a right conferred on an individual and not on a political party. This rule was also further interpreted and affirmed in a case law reported in **AIR 1985 SC 1233 Lakshmi Charan Sen Vs. A.K.M. Hassan Uzaman** wherein the Supreme Court held that the right to include in the electoral roll or to challenge the inclusion of any name in the roll is a right conferred upon an individual and not upon any political party. Therefore, the pleadings made in para 5 & 6 of the petition being vague and not in conformity with the Act and Rules of Representation of People Act 1950 consequently cannot be looked into to challenge the election under the Act of 1951.

25. Further Para 7 has again repeated the averments of earlier paras 4 & 5 wherein it was pleaded that the outside voters had voted for respondent No. 1 and that can be inferred increase in voting percentage. The pleadings are not to the effect that the names of voters were included after the date of nomination, but it says that wrongly the names were included. It is vague about such date and time of inclusion of names which only makes faded/chance averments in the pleading. Para 8 further purports that the Congress party requested for

physical verification to correct the names, made complaint and asked the government officers to correct the voters list but nothing was transpired. Like-wise at para 9 it is stated the complaint was made to one Devendra Kesarwani, Chief Electoral Officer, for correction of voters list but the same was not adhered to and the said inaction was committed with an intention to benifit Respondent No. 1. At Para 10 of the petition it is averred that according to the guidelines of Election Commission of India, if the voting takes place more than the percentage of the Electoral Population Ratio (EP Ratio) i.e. 61% fixed for the whole country, it would amount to unfair practice. It is contended that out of the total population, the percentage of voters has been increased to 79.2% which is more than 61% fixed by the Election Commission, therefore, it would lead to show abrupt increase in electoral population in a particular area, which made No. 1 returned candidate and the persons who were not voters of the Bilaspur constituency have voted en-block in favour of respondent No. 1 and the Government officials despite lodging of complaint have not taken any step.

26. Like wise, at para 12, it is pleaded that abrupt increase in voting pattern took place but the petitioner was in know of the general mood of the people for whom they wanted to vote and since the general people wanted to vote out respondent No. 1, with the help of Government Officers respondent No. 1 has taken such steps for deleting the names of voters of the region who may not vote for him and thereby he had got the votes in his favour and became returned candidate.

27. Section 83(1) of the Act 1951 reads as under :

83. **Contents of petition.—**

(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings;

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

28. Reading of paras 5 to 12 of the petition would reveal that the petitioner has made averments but failed to state the material facts. At para 5, it is stated that with the help of government officers the names of voters were added. But the questions as to who were the Government officers, when the names of outside voters were added, whose names were added are completely silent and unexplained.

(ii) Likewise at para 6, serious defect of the voters list was again pleaded and it is stated that thousands of voters have been added who are not people of Bilaspur constituency, but the questions as to who are persons and where they have voted are completely vague and remains unanswered. It is also stated that the names of same voters were found in two constituencies i.e., Bilaspur and Beltara legislative assemblies but again the averments are completely vague so far as it relates to questions as to who were the persons, whose names were present in both the places and only reference of some complaint has been made about the objection of voters list, therefore, evidently the allegations are again falling back to the fact of defective voting list.

(iii) Likewise, at para 7, it is stated that on inspection it has been found that as many as 6000 voters were not of Bilaspur constituency and they were outsiders but no material particulars have been furnished as to who were outsiders. Not a single example has been stated in para 7 of the petition.

(iv) Again at para 8, the repeated averments have been made about the defective voters list and it is stated that despite complaint, nothing had transpired.

(v) Similarly, in para 9 reference was made about the complaint made to one Devendra Kesarwani for correction of voters list but it is stated that nothing transpired. Likewise in paras 10 & 11, electoral population ratio has been pleaded and it is stated that abrupt increase in the voters was made at the behest of respondent No. 1 and the people though wanted to vote out respondent No. 1, their will was over shadowed but how it took place, in what manner is completely silent. In order to appreciate these pleadings a positive presumption of commission of corrupt practice has to be held in favour of the petitioner without being substantiated by clear pleading.

29. The averments made in these paras are too vague. In order to go in for a trail in an election petition, if the averments in these paragraphs are taken into their face value, hypothetical presumption has to be drawn that certain voters who wanted to vote for the petitioner could not vote, but the persons who were not the residents of a particular area have voted in favour of respondent No. 1, returned candidate, meaning thereby the complete disclosure of franchise exercised by the people is available with the petitioner. It will be too vague to infer that some people have cast votes for respondent No. 1 and have not cast votes for the petitioner thereby defeating the entire spirit of the secrecy of the ballot system so as to make a roving enquiry.

30. Reading of paras 13 & 14 would show more or less repetitions of the same averments that though actually voters wanted to vote out respondent No. 1 but they were not allowed to vote with the help of government officers and their names were deleted. Further collective reading of paras would show the averment that 8000 voters were not allowed to vote as their names were deleted is too vague without any particulars. Consequently, it again points out the defective voters list. It also narrates the incident of deletion of names of one Ashish Dubey and Vinayak Rao Wasi of a particular areas and it is stated that they are residents of Purana Sarkanda and Kuddudand respectively and their names were deleted. Further it is stated that various persons of the concerned areas were not allowed to vote by the Presiding Officer. In detail the repetitions have been made in this para stating the same fact time and again that certain voters though were residents of a particular areas, were not allowed to vote with the help of government machinery. It is further averred in this para that the persons who were not allowed to vote in fact wanted to vote out respondent No. 1. Para 14 contains the averments as to improper reception and refusal of votes. In this para, it is stated that there was improper reception of votes of the persons who are not the actual voters of the particular assembly constituency and at the same time, there was improper rejection of votes of those persons who are actual voters of the area. Necessarily, if the over all pleadings of the petition are considered together it leads to point out about the defective voters list or in the alternative, names of persons who are residents of particular area, have not been included. All the averments are too vague in nature and only general and bald allegations have been made that certain voters have not been allowed to vote.

31. In this context, if the provisions of substantive part of Section 83(1) is perused, it mandates that the election petition should contain concise statement of the material facts on which the petitioner relies upon. Under section 83(1)(b) it is stipulated that the election petition should set forth full particulars of any corrupt practice which are alleged by the petitioner. In these paras, general averments have been made. Neither para 14 contains that respondent No. 1 was supported by all the government officers and few voters were not allowed to vote. Except the averment that the names of only two persons who were said to be belonging to particular areas were deleted, nothing has been stated that who were the persons not allowed to vote by the Government Officers. In absence of any pleadings of any material fact the Court trying the election petition cannot venture to direct any roving enquiry to collect the evidence and substitute it with befitting pleading.

32. This Court Court in case of **Naresh Kumar Patel Vs. Nand Kumar Patel reported in 2006 (2) CGLJ 470** in respect of material particulars have observed as under :

"28. In the matters of **Samant N. Balakrishnan Vs. George Fernandez**, it has been held that first, Section 83 of the Act is mandatory and requires first a concise statement of material facts and then requires the fullest possible particulars. Second, omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. Third, the function of particulars is to present in full a picture of the cause of action to make the opposite party understand the case he will have to meet. Fourth, material facts and particulars are distinct matters. Material facts will mention statements of fact and particulars will set out the names of persons with the date, time and place. Fifth, material facts will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. Sixth, in stating the material facts it will not do merely to quote the words of the section because then the efficacy of the material facts will be lost. The fact which constitutes a corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice Seventh, an election petition without the material facts relating to a corrupt practice is no election petition at all."

33. Reverting to paras 15 & 16 of the petition, it has been pleaded that respondent No. 1 allured the voters. Further it speaks about the complaint made to one Avinash Sharan, who was the Commissioner, Municipal Corporation that respondent No. 1 was made Chief Guest in some programme. It further speaks that respondent No. 1 at the relevant time being cabinet minister of Urban Administration has exercised undue influence and one Sudhir Gupta and Devendra Kesarwani who were also the Government Officers worked for respondent No. 1 thereby undue influence was exercised. Para 16 also contains the repetition of the same facts about the assistance from the Government Officers and therefore, the allegations of corrupt practice are alleged. Thereby reading the averments would show that no pleading of material facts exist to show that the voters choice was arrested. Freedom in exercise of judgment which engulfs a voter's right, a free choice, in selecting the candidate whom he believes to be best fitted to represent the constituency should be shown to have been eclipsed by the pleadings. The casting of votes at an election depends upon a variety of factors and it is not possible for any one to predicate how many or which proportion of the votes will go to one or the other of the candidates. While if must be recognized that the petitioner in such a case is confronted with a difficult situation, it is not possible to relieve him of the duty imposed upon him by Section 100(1)(c) and hold without pleading of material facts that the duty has been discharged.

34. Consequently, the argument, which is advanced by the learned counsel for the respondent that election petition is not tenable as no grounds are available U/s. 100 (1) (d) (iv) of the Act of 1951, has a substantial force. It would be a different case that if the petitioner has failed to prove the other necessary ingredients as required under the Act of 1951. The Petitioner has alleged at paras 8 to 24 about the inclusion and exclusion of the names of the persons in the voters list. The pleadings though have been made about inclusion and deletion of names in voter list but the same pleadings also would be subject to Section 83 of the Act of 1951 as to whether the pleadings have disclosed material facts. In this regard reference to section 83 (1)(a) of the Act 1951 is made which reads as under :

"Section 83-Contents of petition.—(1) An election petition (a) shall contain a concise statement of the material facts on which the petitioner relies."

35. Similarly Order VI, Rule 2 of CPC, to the extent it is relevant reads as under :

"O. VI, Rule-2 : Pleading to state material facts and not evidence-(1) Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence as the case may be, but not the evidence by which they are to be proved."

36. The "material facts" in respect of the election petition, was considered by their Lordship in case of **Jitu Patnaik Vs. Sanatan Mohakud and Ors.** reported in **AIR 2012 SC 913.** Paras 32 & 33 are relevant here and quoted below:

"32. A bare perusal of the above provisions would show that the first part of Order VI, Rule 2, CPC is similar to clause 1(a) of Section 83 of the 1951 Act. It is imperative for an election petition to contain a concise statement of the material facts on which the election petitioner relies. What are material facts ? All basic and primary facts which must be proved at the trial by a party to establish the existence of cause of action or defence are material facts. The bare allegations are never treated as material facts. The Material facts are such facts which afford a basis for the allegations made in the election petition. The meaning of 'material facts' has been explained by this Court on more than one occasion. Without multiplying the authorities, reference to one of the later decisions of this Court in Virender Nath Gautam Vs. Satpal Singh and others shall suffice.

33. In Virender Nath Gautam, this Court referred to the leading cases of Philipps Vs. philipps and others subsequent decision in Bruce V. Odhams Press Limited that referred to Philipps and observed in paragraphs 34 & 35 (Pg 629) of the Report as follows :—

"34. A distinction between "material facts" and "particulars", however, must not be overlooked. "Material facts" are primary or basic fact which must be pleaded by the plaintiff or by the defendant in support of the case set up by him either to prove his cause of action or defence. "Particulars", on the other hand, are details in support of material facts pleaded by the party. They amplify, refine and embellish material facts by giving distinctive touch to the basic contours of a picture already drawn so as to make it full, more clear and more informative. "Particulars" thus ensure conduct of fair trial and would not take the opposite party by surprise.

> *35. All "material facts" must be pleaded by the party in support of the case set up by him. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact, hence, will entail dismissal of the suit or petition. Particulars, on the other hand, are the details of the case which is in the nature of evidence a party would be leading at the time of trial."*

37. Reading of paras 15 & 16 also shows that the fact "undue influence" has also been pleaded, but the petitioner has failed to furnish concise material particulars as to in what manner the undue influence was exercised. When Section 83 of the Act, 1951 is read, it shows that substantive part of Section 83 consists of three important elements namely the election petition should contain concise statement of material facts which the election petitioner relied upon. The emphasis is on the material facts which should be stated in the concise form. Hon'ble Supreme Court in the case of **Charan Lal Sahu Vs. Giani Jail Singh and another, reported in (1984) 1 SCC 390** while considering the "undue influence" as enumerated in Section 18(1), emphasizing the need of precise, specific and unambiguous pleading of corrupt practice particularly with reference to undue influence stated as under :—

> "35. The gravamen of this section is that there must be interference or attempted interference with the "free exercise" of any electoral right/ "Electoral right" is defined by Section 171-A(b) to mean the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election. In so far as is relevent for our purpose, the election petition must show that Shri Beg interfered with the free exercise of the voters' right to vote at the Presidential election. The petition does not allege or show that Shri Beg interfered in any manner with the free exercise of the right of the voters to vote according to their choice or conscience. ...."

In the later part, their Lordship further held :—

> "Therefore, in order that the offence of undue influence can be said to have been made out within the meaning of Section 171-C of the Penal Code, something more than the mere act of canvassing for a candidate must be shown to have been done by the offender. That something more may, for example, be in the nature of a threat of an injury to a candidate or a voter as stated in sub-section (2) (a) of Section 171-C of the Penal Code or, it may consist of inducing a belief of Divine displeasure in the mind of a candidate or a voter as stated in sub-section (2) (b). The act alleged as constituting undue influence must be in the nature of a pressure or tyranny on the mind of the candidate or the voter. It is not possible to enumerate exhaustively the diverse categories of acts which fall within the definition of undue influence. It is enough for our purpose to say, that of one thing there can be no doubt. The mere act of canvassing for a candidate cannot amount to undue influence within the meaning of Section 171-C of the Penal Code."

38. Now if further reference is made to paras 17, 18 & 19 of the petition, this is all about the expenses. It is stated that expenses incurred by respondent No. 1 has exceeded the limit prescribed by the Election Commission i.e., Rs. 16 lakhs and thereby there is contravention of Section 77 of the Act of 1951. At para 19 though the petitioner has stated that expenditure has been incurred more than the limit but at the same time, it is pleaded that the petitioner could not get the particulars despite all efforts as to what expenditure was made. It is further stated that despite the RTI, the application made under RTI, the petitioner could not get the particulars. Therefore, since it is the specific averments of the petitioner that particulars of expenses could not be gathered, consequently, the inference cannot be drawn only on the bald pleading without any material particulars on what head the expenses were made. Reading of the averments would show that the allegations have been made and particulars of corrupt practice in the manner in which it was made is not clear.

39. Likewise at para 20, reference to a meeting addressed by the BJP leader Shri Venkayya Naidu in support of respondent No. 1 has been made. It is stated that a Helicopter was arranged by respondent No. 1. The averments have been made that list of the star campaign of the first phase election was submitted by the BJP and for the second phase, no such list was supplied. Therefore, the expenses of star campaign should have been added to the account of Respondent No. 1. As against this, the list of star campaign which was made by BJP filed by Respondent No. 1 shows that for Phase II, the list of star campaign was submitted by BJP which is filed as Annexure Document-E which includes the name of Mr. Vankayya Naidu for the second Phase of election at Sl. No. 7 Admittedly, this election was for the second phase. In the result, the averments made in para 20 also do not disclose any material facts as to how the expenditure was incurred over and above the prescribed limit.

40. Section 77 of the Act of 1951 mandates that election expenses and maximum thereof shall be given in account. But the explanation to section 77 reads that expenditure incurred by the "leaders of a political party" on account of travel by air or other mode of transport for propagating the programme of the political party shall not be deemed to be the expenditure in connection with the election incurred by the candidate of that particular political party for the purpose of this section. Therefore, despite vague allegations without any particulars as to how much expenses were incurred over and above the limit, the averments made by the petitioner further cannot be taken into consideration to hold that the expenditure was made over and above the prescribed limit.

41. Para 20 further had stated that the particulars in nomination form were not correctly filled by Respondent No. 1 and the nomination should have been rejected. It is stated that respondent No. 1 and his son are residing together in the same house but income of son of respondent No. 1 has not been declared. Again, if we revert back to the material particulars, the averments so made are vague and only casual pleadings have been made. If the petitioner was serious enough to raise such objection at para 20, there should have been the particulars as to what was the expenditure incurred. It should have pleaded in detail as to what was the expenditure incurred over and above the prescribed limit where it was done and what was the date of such expenditure. On simply making bald statement by the petitioner that the expenditure has been made over and above the limit, this election Tribunal cannot venture to order for inquiry into the matter. Further more, the allegations about the concealment of staying/living of son with respondent No. 1 is made and particulars of property in respect of his son which is alleged to have been concealed has not been disclosed as to what is the property which the respondent has concealed. Therefore, reading of para 20 would not lead to infer that material particulars have been deliberately avoided.

42. Further, in **(2009) 9 SCC 310,—Anil Vasudev Salgaonkar Vs. Naresh Kushali Shigaonkar,** Hon'ble the Supreme Court has reiterated the view observed in case of Manubhai Nandlal Amorsey v. Popatlal Manilal Joshi, which reads as under :—

"44. When we revert to the Indian cases, we find that our courts have accepted the principle laid down by the English cases. We would like to refer to some of them. In Manubhai Nandlal Amorsey v. Popatlal Manilal Joshi this Court observed as under : (SCC p. 374, para 5)

"5. The first question is whether the trial Judge should have allowed the amendment. Section 83 (1) (b) provides that 'An election petition shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of names of the parties alleged to have committed such corrupt and the date and place of the commission of each such practice'. The section is mandatory."

43. Further the Hon'ble the Supreme Court in case of **Anil Vasudev Salgaonkar** (supra) has reiterated the view observed in case of Hardwari Lal V. Kanwal Singh, which reads as under :—

"46. In Hardwari Lal v. Kanwal Singh, a three Judge Bench of this Court observed as under: (SCC p.221, para 22)

"22. ....The gravamen of the charge of corrupt practice within the meaning of Section 123 (7) of the Act is obtaining of procuring or abetting or attempting to obtain or procure any assistance other than the giving of vote. In the absence of any suggestion as to what that assistance was the election petition is lacking in the most vital and essential material fact to furnish a cause of action."

44. Recently, the Supreme Court in a case law reported in **(2014) 10 SCC 547, C.P. John Vs. Babu M. Palissery and others** has held thus in Para 18:

"18. When we read Section 83, the substantive part of Section 83(1) consists of three important elements, namely, that an election petition should contain a concise statement of material facts which an election petitioner relies upon. The emphasis is on the material facts which should be stated in a concise form. Under Section 83 (1)(b) it is stipulated that the election petition should set forth full particulars of any corrupt practice which is alleged by the petitioner. A reading of the said Section 83(1)(b) is to the effect that such particulars should be complete in every respect and when it relates to an allegation of corrupt practice it should specifically state the names of the parties who alleged to have committed such corrupt practice and

also the date and place where such corrupt practice was committed. In other words, the particulars relating to corrupt practice should not be lacking in any respect. One who reads the averments relating to corrupt practice should be in a position to gather every minute detail about the alleged corrupt practice such as names of the persons, the nature of the alleged corrupt practice indulged in by such person or persons, the place, the date, the time and every other detial relating to the alleged corrupt practice."

45. As has been laid down by their Lordships in case of C.P. John (supra) that when an election petition is taken up for consideration, the Court which deals with such election petition should be in a position to know the exactitude as to what is the corrupt practice alleged without giving any room for doubt as to the nature of such allegation, the parties involved, the date, time and the place, etc. so that the party against whom such allegation is made is in a position to explain. The election petitioner can not simply raise any allegation for corrupt practice and get away with it. Since the successful candidates in an election has got the support of the majority of the voters who cast their votes in his favour, the success gained by a candidate in a public election cannot be allowed to be called in question by any unsuccessful candidate by making frivolous or baseless allegations and thereby unnecessarily drag the successful candidate to the court proceedings.

46. It is settled proposition that the person who has contested the election and after loosing, while challenging, the election petition has to be seriously examined. The reading of the pleadings as a whole would show that vague allegations have been leveled both with respect to addition/deletion of the names of the voters alongwith the corrupt practice.

47. On the basis of the aforesaid observation, it is held that the election petition cannot be gone in for trial for want of material particulars and further primary challenge in the election petition is about the defective voters list and on the ground that the voters who were entitled to vote were not allowed to vote and other people who were not residents of the particular area have voted. Meaning thereby the challenge in election petition is primarily based on the defective voters list and in view of the foregoing observations, in the opinion of this Court, the same issue cannot be gone into under the Act of 1951 to adjudicate the validity of election. Further more, as has been observed, the election petitioner has failed to disclose the material facts which are mandatory as required u/s 83 of the Act of 1951 so as to allow the election petition to go in for trial.

48. As a result, I am of the considered view that this election petition cannot go in for a trial. Consequenctly, the election petition is dismissed.

Sd/-
Goutam Bhaduri
Judge.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, Dated 29th March, 2016—9 Chaitra, 1938 (Saka)

NOTIFICATION

No. 82/CG-LA/(9/2014)/2015 .— In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 16th September, 2015 of the High Court of Chhattisgarh, Bilaspur in Election Petition No. 9 of 2014.

By order,

Sd/-
(R. K. SRIVASTAVA)
Pr. Secretary
Election Commission of India.

HIGH COURT OF CHHATTISGARH AT BILASPUR

E. P. No. 09 of 2014

Smt. Vani Rao, W/o. E. Ramendra Rao, Aged About 53 Years, R/o Near Satyam Talkies, P. S. Civil Lines, Head Post Office-Bilaspur, Distt.-Bilaspur C.G.

— Petitioner

VERSUS

1. Shri Amar Agarwal S/o Late Lakhiram Agrawal, Aged About 52 Years R/o Civil Lines , Bilaspur C.G.

2. The Returning Officer/Collector Bilaspur, Distt.-Bilaspur C.G.

— Respondents

For the Petitioner	:	Mr. B. P. Sharma and M.L. Saket, Advocates
For Respondent No. 1	:	Dr. N. K. Shukla, Sr. Advocate with Shri A.S. Kachhawaha, Shailendra Shukla and Ms. Pushpa Dwivedi, Advocates

SB: Hon'ble Shri Goutam Bhaduri, J

CAV ORDER

16-09-2015

1. This order shall govern the disposal of application under Order 7 Rule 11 of C.P.C., filed on 21-03-2014 wherein the Respondent No. 1 has challenged the tenability of the election petition. Another application was moved under Order 7 Rule 11 on 09-03-2014 which is not pressed by the respondent.

2. The written statement in this election petition has been filed on 08-05-2014. Prior to that an application under Order 7 Rule 11 of CPC was preferred to challenge the maintainability of the petition. The Instant I.A. No. 1/2014 is under Order 7 Rule 11 of CPC filed by Respondent No. 1, the returned candidate, who contested the election for the Chhattisgarh State Legislative Assembly held in the year 2013 from constituency No. 30 Bilaspur as a candidate of Bharatiya Janta Party.

3. Dr. N. K. Shukla, learned senior counsel appearing on behalf of respondent No. 1 submits that primary ground of challenge in this election petition is that the voters list which was earlier utilized was erroneous, therefore, it resulted to cause defeat of the petitioner. It is contended that such ground cannot be made a subject matter to set aside the election of Respondent No. 1 under the Representation of People Act, 1951 (For short "R. P. Act 1951"). It is stated that since the pleadings do not constitute a cause of action triable under the Act 1951 as such the petition is not tenable. It is further submitted that since the entire cause of action is based on defective voters list, the same cannot be subject of cause of action in the election petition as the Court cannot probe into the matters governed by Representation of People's Act 1950 and consequently, the election cannot be declared void. Further submissions of counsel for respondent No. 1 are as follows :

(i) That the grounds to set aside the election is enumerated in Section 100 of the R. P. Act, 1951 and the provision of sub-section (1)(d)(iv) mandates that in order to declare a election void, the non-compliance is to be within the provisions of Constitution or of this Act or any Rules made under the Act. It is, therefore, submitted that the grounds of defective voters list is the subject which is covered under the Act of 1950 cannot be made a ground to challenge the election under the Act of 1951.

(ii) The counsel further made a reference to the Representation of People Act, 1950 (hereinafter referred to as "the Act of 1950") and contended that the preamble of the Act is for preparation of electoral rolls, manner of filing seats in council to be filed by the representatives which is covered under Part-III of the Act of 1950.

(iii) He further referred to Section 21 of the Act of 1950 which is for preparation and revision of electoral rolls. Section 22 is for correction of entries in electoral rolls. Section 23 is for inclusion of names in electoral rolls and Section 24 is for appeals. Therefore, he submits that the entire procedure for inclusion and exclusion of names are covered by the Act of 1950, which is a Code in itself, so the

election petition would not lie on the ground of erroneous electoral list and such remedy in not available to the petitioner.

(iv) He further referred to Section 30 of the Act of 1950 and would submit that the jurisdiction of Civil Court is barred under the Act of 1950 about preparation of electoral roll, and therefore, the finality has been given to such preparation of electoral rolls, which can not be a subject matter of election petition.

(v) The learned counsel read out the averments of the election petition and would submit that the allegations about the deletion of name of voters have been made but it is not founded on any material facts.

4. Learned counsel made a reference to Para 4 of the election petition and stated that the entire preamble of the election petition is contained in this para. Referring to pleading, it is stated that pleading to the effect that how the will of people of the region was over shadowed by employing the people of other region and imaginary facts are produced that since the real voters were eclipsed by the other voters who are outsiders, the monarchy was created. It is stated that such pleadings are vague and without any foundation and pleadings of material facts.

5. It is further submitted that at Para 5, the petitioner has stated that thousands of voters who were outsiders were added in the voters list and therefore, the election be declared void which cannot be questioned in election petition. It is contended that Representation of People's Act, 1950 lays down the scheme with reference to the electoral roll.

6. Respondent No. 1 has further contended that the entire gist of the election petition is stated at para 4. It is predominantly stated that the people who were entitled were not allowed to cast their votes as the people/ voters of other constituencies have cast their votes, therefore, the entire challenge was on the defective voters list.

7. In this context, he referred to a case law reported in **AIR 1963 SC 458** and would submit that the Civil Court shall have no jurisdiction to question the legality of any action taken by or under the authority of Electoral Registration Officer it can be rectified only in the manner prescribed by law by preferring an appeal under Rule 27 of the Rules or by resorting to any other appropriate remedy. Therefore, it is contended that since the object of legislature was to give finality to the subject, the defective electoral rolls can not be questioned in this election petition.

8. He also made a reference to **AIR 1970 SC 340** and stated that the validity of such votes once cast can not be questioned by way of election petition and would submit that meaning thereby the election can not be challenged on the ground of wrong electoral rolls.

9. It is further contended that Representation of People Act, 1950 provides for preparation of voters list. Accordingly, Section 21 of the Act, 1950 deals with preparation and revision of electoral rolls and section 22 deals with correction of entries in electoral rolls. He further submitted that in Section 22 of the Act, 1950, 3 grounds are mentioned as (a)(b)(c) wherein the words 'person concerned' have been used. So according to the Act, the individual entries are to be examined and not in bulk or group and before doing so the individual has to be heard. He further made a reference to Section 23 of the Act, 1950 and submitted that the inclusion of names in the electoral rolls is made under Section 23, which is an individual right and after the electoral roll is prepared, the same cannot be subject of challenge after the date of nomination. It is submitted that in this case, the date of nomination is 01-11-2013. Thereafter, the electoral rolls reached to the finality. So if any individual is aggrieved then the appeal lie u/s 24 of the Act and the jurisdiction of Civil Court is barred u/s 30 of the Act, 1950. So the finality has been given to the electoral roll. It is further contended on behalf of the respondent No. 1 that vague averments have been made about the corrupt practice without any material particulars thereof and with respect to the expenses of the election, vague statements have been made without any material particulars so as to know the respondents as to what case he has to meet out. Therefore, in such ambiguity, no cause of action arises for consideration, therefore, the petition is liable to be dismissed.

10. Per contra, Shri B.P. Sharma, learned counsel appearing on behalf of the petitioner submitted that-

(i) The respondent No. 1 has completely misinterpreted the pleadings. He would submit that it is not a case of defective voters' list. He submits that by the pleading the cause of action would be clear from para 5 of the petition wherein it is stated that the respondent being Member of Legislative

Assembly for the last 3 consecutive terms employed illegal and unethical attitude to manage the affairs with the help of concerned officers and thousands of persons who are not the voters have been allowed to vote. He submits that the case is, therefore, covered under Section 123(7) of the Representation of People's Act, 1951 which takes within its sweep of obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent for furtherance of the prospects of the candidate's election. It is contended that the corrupt practice can be in furtherance of prospects of that candidate if it has been abetted by any Gazetted Officers. He, therefore, submits that here the officers of the State Government have supported the respondent No. 1 to procure and abet the voters in furtherance of voting and thereby the respondent has succeeded in election with the help of concerned officers.

(ii) It is further contended that at the time of election the petitioner was a mayor of the Bilaspur City, therefore, had the privilege to gauge the mind of people and in pre-poll survey, it came to the notice of petitioner that false voters list has been prepared. Referring to a place of voting i.e., booth No. 101, he submitted that according to the ratio of voting as against the population, it reached more than 100% which is abnormal, therefore, it will lead to make an inference that the Government officers were working for a particular political party i.e., BJP which is in power. He submits that at para 5 of the petition, this fact has been pleaded that false and frivolous names of voters were added with the help of government officers and paras 6 & 7 would disclose that as many as 6000 voters were from outside of the adjacent legislative assembly constituency of Beltara. It is further submitted that 6000 voters were outsiders and on the particular day, as would be evident and as pleaded at para 8, thousands of people came from outside to vote for respondent No. 1 and therefore, it would amount to corrupt practice.

(iii) He further referred to pleading that the voting ratio which is shown along-with the documents filed would show that there has been abrupt increase in the voting which is abnormal and would lead to show that corrupt practice has been adopted as more than permissible limits the voters have cast their votes. By referring to a case law reported in **AIR 1975 SC 2299 (Indira Nehru Gandhi Vs. Raj Narain)** he submitted that section 101 (b) of the Act 1951 speaks of commission of corrupt practice by a returned candidate and, it can amount to commission of corrupt practice by a candidate before he became a returned candidate. Therefore, since respondent No. 1, returned candidate, had taken the help of government officers to include the names of voters who were not belonged to particular area i.e., Bilaspur constituency, however, have cast their votes thereby respondent No. 1 procured and abetted the government officers for furtherance of his prospects which would amount to corrupt practice. The petitioner, therefore, submits that the application under Order 7 Rule 11 is liable to be dismissed at the threshold having no merit.

11. I have heard learned counsel for the parties and perused the pleadings of the petition.

12. One of the basic objections raised by respondent No. 1 is that the nature of complaint made in the election petition cannot be gone into by way of election petition as the Act of 1951 does not permit such ground to challenge the election petition on the ground of defective voters list. In this context, it would be relevant to note certain dates of election schedule which are reproduced hereinbelow for the sake of convenience.

Date of Notification of election	25th Oct. 2013
Date of filing nomination	1st Nov. 2013
Date of scrutiny of nominations	2nd Nov. 2013
Date of withdrawal/taking back the name	4th Nov. 2013
Date of election	19th Nov. 2013
Date of result declaration	8th Dec. 2013

13. The petitioner secured 56656 votes whereas respondent No. 1 the returned candidate had secured 72,255 votes. When Para 4 of the petition is read, it starts with the words “the question in the present petition which the petitioner is raising that if in a given case any person overpowered the will of the people by managing the affairs or the will of the people of the region is overshadowed by employing voters of other region”. It further states that the will of true voters of the area has not been depicted and those persons have been allowed to vote who are not the voters of the region and have been allowed to vote en-block in favour of Respondent No. 1. The pleading, therefore, suggests that the names of outside voters were included in voters list who have cast their votes.

14. Section 100 of the R.P. Act, 1951 deals with grounds for declaring election to be void. The relevant part of section 100 which would be applicable in the instant case is reproduced herein below :

100. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a) xx xx xx

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(c) xx xx xx

(d) that the result of the election, in so far as it concerns, a returned candidate has been materially affected—

(i) xxx xxx xxx

(ii) by any corrupt practice committed in the interests of the returned candidate [by an agent other than his election agent] or

(iii) xxx xxx xxx

(iv) by any non-compliance with the provisions of Constitution or of this Act or of any rules or order made under this Act.

The High Court shall declare the election of the returned candidate to be void.

15. At para 4, it has been stated that the names of outside persons have been added in the electoral roll. It is not in dispute that the Parliament amended the provisions of 1951 Act in 1956 and before that, the provisions of Section 100(2)(c) of Representation of People Act, 1951 were as follows :—

“100 (2)..........................if the Tribunal is of opinion-

(a) xx xx xx

(b) xx xx xx

(c) that the result of the election has been materially affected................, by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to the election ...., the Tribunal shall declare the election of the returned candidate to be void.”

It is therefore important to note that the Parliament while amending the provision had omitted the words “or of any other Act or rules relating to the election. Thereby obviously, the courts jurisdiction was limited by the Amendment made in 1956 in section 100(1)(d)(iv) of Act 1951. Therefore, it will lead to make an inference that the jurisdiction was taken away or abridged except for (i) any breach of constitution or (ii) non-observation of provisions of the Act of 1951 or Rules made under the Act of 1951.

16. So on careful reading of the Act of 1951 and upon considering the relevant statutory provisions and the authorities aforesaid, it points out that violation or non-observance purely of the Act of 1950 or any rules made thereunder is outside the purview of Section 100(1)(d)(iv) of the Representation of the People Act, 1951 and, as such, an Election Court which derives its jurisdiction from the 1951 Act is not entitled to look into that violation or non-observance.

17. The petitioner contended that the names of outside voters were added in the electoral roll. If section 36 sub-section (7) of the Act, 1951 is perused, it provides that at the time of scrutiny, entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of People Act, 1950. Therefore, the question as to whether the names of voters were lawfully included in the electoral roll as defined in section 2(e) of the Act, 1951 cannot be given an interpretation that the words the eligible and lawful elector on the given date. So if the names of elector was included in the voters list, the finality of such list is attached u/s 30 of the Act of 1950 as no civil court shall have the jurisdiction to question the same. Likewise, the High Court shall not have any jurisdiction to question the legality of inclusion of persons name in electoral roll except where it can be shown that there is violation of an express provision of constitution. In the instant case, no pleading exists about any violation of provision of constitution.

18. The argument of defect in the voters list was considered by Their Lordship way back in the year 1976 in a case of **Ramji Prasad Singh Vs. Ram Bilas Jha AIR 1976 SC 2573** wherein the Court interpreting the provisions held that when the names have been included in the electoral roll the entries are conclusive of the right of those members to vote at the election and the Court has no power or jurisdiction to go behind the entries and inquire into their validity. The Supreme Court while interpreting section 62 sub-section (1) of the Representation of People Act 1951 at para 19 stated that this section provides that "No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency." The Apex Court further held that sub-section may be split up in two parts so as to make its meaning and intendment clear. It provides in the first place that a person who is not entered in an electoral roll of constituency shall not be entitled to vote in that constituency. Secondly, it provides that, except as expressly provided by the Act, every person who is for the time being entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

19. The Supreme Court in a case law reported in **AIR 1963 SC page 458** while interpreting inclusion of names of voters of the electoral roll held that it cannot be questioned in civil court but it can be rectified only in the manner prescribed in law i.e. preferring an appeal. At this juncture, if we refer to Part-III of Representation of People Act 1950, it deals with electoral rolls for assembly constituencies. Section 14 is about the definition. Section 15 says provides for electoral roll for every constituency. Section 16 deals with disqualifications for registration in an electoral roll. Section 17 says that no person would be registered in more than one constituency. Section 18 says that no person will be registered more then once in any constituency. Section 19 says about the condition of registration. Section 20 is meaning of "ordinarily resident" whereas Section 21 is about preparation of revision of electoral rolls. Section 21 in this connection would be relevant which lays down preparation and revision of electoral roll. Like wise, section 22 of the Act, 1950 provides for correction of entries in electoral roll. Section 23 is about the inclusion of names in the electoral rolls. Section 24 provides for appeal. Section 30 of Part-V speaks about the bar of civil courts jurisdiction.

20. Therefore, necessary inference will be that the electoral roll having been prepared before the prescribed date, it will have finality. Hence, the finality of the electoral roll cannot be challenged in a proceeding challenging the validity of election. The right to vote being purely a statutory right, the validity of vote is to be examined on the basis of provisions of the Act. Therefore, the entries in the electoral roll are final and cannot be challenged. The Supreme Court in Kabul Singh Vs. Kundan Singh, **AIR 1970 SC 340** interpreted the provisions and at para 9 held thus :

"9. It is not the case of the appellant that Tarsem Singh had incurred any of the disqualifications mentioned therein. No other provision of law in the Act or in any other law was brought to our notice disqualifying him from exercising his vote. The right to vote being purely a statutory right, the validity of any vote has to be examined on the basis of the provisions of the Act. We cannot travel outside those provisions to find out whether a particular vote was a valid vote or not. In view of Section 30 of the 1950 Act, Civil Courts have no jurisdiction to entertain or adjudicate upon any any question whether any person is or is not entitled to register himself in the electoral roll in a constituency or to question the illegality olf the

action taken by or under the authority of the electoral registration officer or any decision given by any authority appointed under that Act for the revision of any such roll. Part III of the 1950 Act deals with the preparation of rolls in the a constituency. The provisions contained therein prescribed the qualifications for being registered as a voter (section 19), disqualifications which disentitle a person from being registered as a voter (section 16), revision of the rolls (section 21), correction of entries in the electoral rolls (section 22), inclusion of the names in electoral rolls (section 23), appeals against orders passed by the concerned authorities under Sections 22 & 23 (section 24). Sections 14 to 24 of the 1950 Act are integrated provisons. They form a complete code by themselves in the matter of preparation and maintenance of electoral rolls. It is clear from those provisions that the entries found in the electoral roll are final and they are not open to challenge either before a Civil Court or before a Tribunal which considers the validity of any election. In B.M. Ramaswamy v. B. M. Krishnamurthy, 1963-3 SCR 479- (AIR 1963 SC 458), this Court came to the conclusion that the finality of the electoral roll cannot be challenged in a proceeding challenging the validity of the election."

21. Further, the application of Sections 21 & 23 of the Representation of People Act 1950 and Rules 20 & 23 of Registration of Electoral Rules (1960), which govern preparation of revision of electoral roll and inclusion of names in the electoral roll was considered by the Supreme Court in **AIR 1985 SC 1233 Lakshmi Charan Sen Vs. A.K.M. Hassan Uzaman**. The Apex Court in such judgment interpreted the effect of Act and Rules and came to a finding that right to be included in the electoral roll or challenge to the inclusion of any name in the roll is a right conferred upon an individual. Further it held that even if the names are wrongly included or not included, the election will not be vitiated and the election petition to be considered on the basis of electoral roll in force on the last date of making nomination. The Supreme Court at Paras 15 & 20 held thus :

"15. Holding the elections to legislatures and holding them according to law are both matters of paramount importance. On the one hand is the individual's statutory right of franchise, on the other is the constitutional obligation imposed by Article 168 that "For every State there shall be a Legislature......" We find it somewhat odd that, in the instant case, individuals whose rights are alleged to have been violated have not come to the Court at all. Not one out of the eight lakhs. Persons who have come to the Court are members of a political party who calim to represent them. While we are on this question, it must be emphasized that Election Laws do not recognize political parties except in rule 11(c) of the Registration of Electors Rules, 1960, the Election Symbols (Reservation and Allotment) Order, 1968, and Explanation 1 to Se. 77(1) of the Act of 1951. The right to be included in the electoral rolls or to challenge the inclusion of any name in the roll is a right conferred upon an individual and not upon any political party. The petitioners are espousing the cause of unnamed and undisclosed persons through a writ petition, which does not even claim to possess a representative capacity. The upshot of petition filed by them is that some 3 crores of voters were being deprived of an opportunity to exercise their franchise in order that an investigation should be made as to whether the names of some 5 lakhs and odd persons should be included or excluded from the electoral roll.

20. As a result of this discussion, it must follow that the fact that certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law, cannot arrest the process of election to the legislature. The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations."

22. By application of the aforesaid legal principle, even if the submission of petitioner as made at para 4 is admitted to the effect that the wrong/outsider voters were allowed to be incorporated in the voters list, the same cannot be made a ground as it cannot be inferred that the acceptance of voters included in the voters list who were outsiders has vitiated the election. The averments of Para 4 can be looked into from other angle also. The petitioner has categorically pleaded that few of the voters were included in the voters list who were not residents of particular area and are residents of outside area and they have voted for respondent No. 1. The said averments are completely on the basis of presumption. Even if it is admitted for the sake of convenience that few of outside voters have voted, in secret ballot system the right to vote being purely an individual statutory right which is confidential in nature it cannot be inferred that all the outside voters whose names were included in the voters list have particularly voted for only respondent No. 1 and thereby have not voted in favour of the petitioner. It can also be inferred that the outside voters have cast votes in favour of the petitioner, therefore, the election petition on such ground cannot be gone into only on the basis of presumption thereby in absence of any material particulars.

23. Now if paras 5 & 6 of the petition are perused, the petitioner has averred that respondent No. 1 has been elected continuously for the last 3 terms and during this period in order to create a monarchy has empolyed all such illegal activities and managed the affairs with the help of concerned officers by adding the names of thousands of outside voters who are not the voters of the assembly constituency of Bilaspur. It is further pleased that the Congress Committee of Bilaspur city has made complaint to the District Election Officer much prior to the election. Admittedly, no complaint is made by the individual. Section 23(3) of the Representation of People Act, 1950 takes away the power of the Electoral Registration Officer or the Chief Electoral Officer to correct the entries in the electoral rolls or to include new names in the electoral rolls of a constituency after the last date for making the nomination for election in that constituency and before the completion of that election. Section 23(3) of the Act 1950 does not deal with any mode or procedure in the matter of registering the voters. Rather it interdicts the concerned officers from interfering with the electoral roll under the prescribed circumstances. It puts stop to the power conferred on them. The object of section 23(1) & (2) or the Act 1950 is to see that to the extent possible, all persons qualified to be registered as voters in any particular constituency should be duly registered and to remove from the rolls all those who are not qualified to be registered. Sub-section (3) of Section 23 is an exception to the rules and it gives mandate to the electoral registration officers not to amend, transpose or delete any entry in the electoral roll of a constituency after the last date for making nominations for election in that constituency and before the completion of that election.

24. According to the pleading, the Congress party has raised objection but if the registration of electoral rolls u/ss 19, 20 is examined, it would reflect that it is a right conferred on an individual and not on a political party. This rule was also further interpreted and affirmed in a case law reported in **AIR 1985 SC 1233 Lakshmi Charan Sen Vs. A.K.M. Hassan Uzaman** wherein the Supreme Court held that the right to include in the electoral roll or to challenge the inclusion of any name in the roll is a right conferred upon an individual and not upon any political party. Therefore, the pleadings made in para 5 & 6 of the petition being vague and not in conformity with the Act and Rules of Representation of People Act 1950 consequently cannot be looked into to challenge the election under the Act of 1951.

25. Further Para 7 has again repeated the averments of earlier paras 4 & 5 wherein it was pleaded that the outside voters had voted for respondent No. 1 and that can be inferred increase in voting percentage. The pleadings are not to the effect that the names of voters were included after the date of nomination, but it says that wrongly the names were included. It is vague about such date and time of inclusion of names which only makes faded/chance averments in the pleading. Para 8 further purports that the Congress party requested for physical verification to correct the names, made complaint and asked the government officers to correct the voters list but nothing was transpired. Like-wise at para 9 it is stated the complaint was made to one Devendra Kesarwani, Chief Electoral Officer, for correction of voters list but the same was not adhered to and the said inaction was committed with an intention to benifit Respondent No. 1. At Para 10 of the petition it is averred that according to the guidelines of Election Commission of India, if the voting takes place more than the percentage of the Electoral Population Ratio (EP Ratio) i.e. 61% fixed for the whole country, it would amount to unfair practice. It is contended that out of the total population, the percentage of voters has been increased to 79.2% which is more than 61% fixed by the Election Commission, therefore, it would lead to show abrupt increase in electoral population in a particular area, which made No. 1 returned candidate and the persons who were not voters of the Bilaspur constituency have voted en-block in favour of respondent No. 1 and the Government officials despite lodging of complaint have not taken any step.

26. Like wise, at para 12, it is pleaded that abrupt increase in voting pattern took place but the petitioner was in know of the general mood of the people for whom they wanted to vote and since the general people wanted to vote out respondent No. 1, with the help of Government Officers respondent No. 1 has taken such steps for deleting the names of voters of the region who may not vote for him and thereby he had got the votes in his favour and became returned candidate.

27. Section 83(1) of the Act 1951 reads as under :

83. **Contents of petition.—**

(1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings;

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

28. Reading of paras 5 to 12 of the petition would reveal that the petitioner has made averments but failed to state the material facts. At para 5, it is stated that with the help of government officers the names of voters were added. But the questions as to who were the Government officers, when the names of outside voters were added, whose names were added are completely silent and unexplained.

(ii) Likewise at para 6, serious defect of the voters list was again pleaded and it is stated that thousands of voters have been added who are not people of Bilaspur constituency, but the questions as to who are persons and where they have voted are completely vague and remains unanswered. It is also stated that the names of same voters were found in two constituencies i.e., Bilaspur and Beltara legislative assemblies but again the averments are completely vague so far as it relates to questions as to who were the persons, whose names were present in both the places and only reference of some complaint has been made about the objection of voters list, therefore, evidently the allegations are again falling back to the fact of defective voting list.

(iii) Likewise, at para 7, it is stated that on inspection it has been found that as many as 6000 voters were not of Bilaspur constituency and they were outsiders but no material particulars have been furnished as to who were outsiders. Not a single example has been stated in para 7 of the petition.

(iv) Again at para 8, the repeated averments have been made about the defective voters list and it is stated that despite complaint, nothing had transpired.

(v) Similarly, in para 9 reference was made about the complaint made to one Devendra Kesarwani for correction of voters list but it is stated that nothing transpired. Likewise in paras 10 & 11, electoral population ratio has been pleaded and it is stated that abrupt increase in the voters was made at the behest of respondent No. 1 and the people though wanted to vote out respondent No. 1, their will was over shadowed but how it took place, in what manner is completely silent. In order to appreciate these pleadings a positive presumption of commission of corrupt practice has to be held in favour of the petitioner without being substantiated by clear pleading.

29. The averments made in these paras are too vague. In order to go in for a trail in an election petition, if the averments in these paragraphs are taken into their face value, hypothetical presumption has to be drawn that certain voters who wanted to vote for the petitioner could not vote, but the persons who were not the residents of a particular area have voted in favour of respondent No. 1, returned candidate, meaning thereby the complete disclosure of franchise exercised by the people is available with the petitioner. It will be too vague to infer that some people have cast votes for respondent No. 1 and have not cast votes for the petitioner thereby defeating the entire spirit of the secrecy of the ballot system so as to make a roving enquiry.

30. Reading of paras 13 & 14 would show more or less repetitions of the same averments that though actually voters wanted to vote out respondent No. 1 but they were not allowed to vote with the help of government officers and their names were deleted. Further collective reading of paras would show the averment that 8000 voters were not allowed to vote as their names were deleted is too vague without any particulars. Consequently, it again points out the defective voters list. It also narrates the incident of deletion of names of one Ashish Dubey and Vinayak Rao Wasi of a particular areas and it is stated that they are residents of Purana Sarkanda and Kuddudand respectively and their names were deleted. Further it is stated that various persons of the concerned areas were not allowed to vote by the Presiding Officer. In detail the repetitions have been made in this para stating the same fact time and again that certain voters though were residents of a particular

areas, were not allowed to vote with the help of government machinery. It is further averred in this para that the persons who were not allowed to vote in fact wanted to vote out respondent No. 1. Para 14 contains the averments as to improper reception and refusal of votes. In this para, it is stated that there was improper reception of votes of the persons who are not the actual voters of the particular assembly constituency and at the same time, there was improper rejection of votes of those persons who are actual voters of the area. Necessarily, if the over all pleadings of the petition are considered together it leads to point out about the defective voters list or in the alternative, names of persons who are residents of particular area, have not been included. All the averments are too vague in nature and only general and bald allegations have been made that certain voters have not been allowed to vote.

31. In this context, if the provisions of substantive part of Section 83(1) is perused, it mandates that the election petition should contain concise statement of the material facts on which the petitioner relies upon. Under section 83(1)(b) it is stipulated that the election petition should set forth full particulars of any corrupt practice which are alleged by the petitioner. In these paras, general averments have been made. Neither para 14 contains that respondent No. 1 was supported by all the government officers and few voters were not allowed to vote. Except the averment that the names of only two persons who were said to be belonging to particular areas were deleted, nothing has been stated that who were the persons not allowed to vote by the Government Officers. In absence of any pleadings of any material fact the Court trying the election petition cannot venture to direct any roving enquiry to collect the evidence and substitute it with befitting pleading.

32. This Court Court in case of **Naresh Kumar Patel Vs. Nand Kumar Patel reported in 2006 (2) CGLJ 470** in respect of material particulars have observed as under :

"28. In the matters of **Samant N. Balakrishnan Vs. George Fernandez**, it has been held that first, Section 83 of the Act is mandatory and requires first a concise statement of material facts and then requires the fullest possible particulars. Second, omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. Third, the function of particulars is to present in full a picture of the cause of action to make the opposite party understand the case he will have to meet. Fourth, material facts and particulars are distinct matters. Material facts will mention statements of fact and particulars will set out the names of persons with the date, time and place. Fifth, material facts will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. Sixth, in stating the material facts it will not do merely to quote the words of the section because then the efficacy of the material facts will be lost. The fact which constitutes a corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice Seventh, an election petition without the material facts relating to a corrupt practice is no election petition at all."

33. Reverting to paras 15 & 16 of the petition, it has been pleaded that respondent No. 1 allured the voters. Further it speaks about the complaint made to one Avinash Sharan, who was the Commissioner, Municipal Corporation that respondent No. 1 was made Chief Guest in some programme. It further speaks that respondent No. 1 at the relevant time being cabinet minister of Urban Administration has exercised undue influence and one Sudhir Gupta and Devendra Kesarwani who were also the Government Officers worked for respondent No. 1 thereby undue influence was exercised. Para 16 also contains the repetition of the same facts about the assistance from the Government Officers and therefore, the allegations of corrupt practice are alleged. Thereby reading the averments would show that no pleading of material facts exist to show that the voters choice was arrested. Freedom in exercise of judgment which engulfs a voter's right, a free choice, in selecting the candidate whom he believes to be best fitted to represent the constituency should be shown to have been eclipsed by the pleadings. The casting of votes at an election depends upon a variety of factors and it is not possible for any one to predicate how many or which proportion of the votes will go to one or the other of the candidates. While if must be recognized that the petitioner in such a case is confronted with a difficult situation, it is not possible to relieve him of the duty imposed upon him by Section 100(1)(c) and hold without pleading of material facts that the duty has been discharged.

34. Consequently, the argument, which is advanced by the learned counsel for the respondent that election petition is not tenable as no grounds are available U/s. 100 (1) (d) (iv) of the Act of 1951, has a substantial force. It would be a different case that if the petitioner has failed to prove the other necessary ingredients as required under the Act of 1951. The Petitioner has alleged at paras 8 to 24 about the inclusion and exclusion of the names of the persons in the voters list. The pleadings though have been made about inclusion and

deletion of names in voter list but the same pleadings also would be subject to Section 83 of the Act of 1951 as to whether the pleadings have disclosed material facts. In this regard reference to section 83 (1)(a) of the Act 1951 is made which reads as under :

"Section 83-Contents of petition.—(1) An election petition (a) shall contain a concise statement of the material facts on which the petitioner relies."

35. Similarly Order VI, Rule 2 of CPC, to the extent it is relevant reads as under :

"O. VI, Rule-2 : Pleading to state material facts and not evidence-(1) Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence as the case may be, but not the evidence by which they are to be proved."

36. The "material facts" in respect of the election petition, was considered by their Lordship in case of **Jitu Patnaik Vs. Sanatan Mohakud and Ors.** reported in **AIR 2012 SC 913.** Paras 32 & 33 are relevant here and quoted below:

"32. A bare perusal of the above provisions would show that the first part of Order VI, Rule 2, CPC is similar to clause 1(a) of Section 83 of the 1951 Act. It is imperative for an election petition to contain a concise statement of the material facts on which the election petitioner relies. What are material facts ? All basic and primary facts which must be proved at the trial by a party to establish the existence of cause of action or defence are material facts. The bare allegations are never treated as material facts. The Material facts are such facts which afford a basis for the allegations made in the election petition. The meaning of 'material facts' has been explained by this Court on more than one occasion. Without multiplying the authorities, reference to one of the later decisions of this Court in Virender Nath Gautam Vs. Satpal Singh and others shall suffice.

33. In Virender Nath Gautam, this Court referred to the leading cases of Philipps Vs. philipps and others subsequent decision in Bruce V. Odhams Press Limited that referred to Philipps and observed in paragraphs 34 & 35 (Pg 629) of the Report as follows :—

"34. A distinction between "material facts" and "particulars", however, must not be overlooked. "Material facts" are primary or basic fact which must be pleaded by the plaintiff or by the defendant in support of the case set up by him either to prove his cause of action or defence. "Particulars", on the other hand, are details in support of material facts pleaded by the party. They amplify, refine and embellish material facts by giving distinctive touch to the basic contours of a picture already drawn so as to make it full, more clear and more informative. "Particulars" thus ensure conduct of fair trial and would not take the opposite party by surprise.

35. All "material facts" must be pleaded by the party in support of the case set up by him. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact, hence, will entail dismissal of the suit or petition. Particulars, on the other hand, are the details of the case which is in the nature of evidence a party would be leading at the time of trial."

37. Reading of paras 15 & 16 also shows that the fact "undue influence" has also been pleaded, but the petitioner has failed to furnish concise material particulars as to in what manner the undue influence was exercised. When Section 83 of the Act, 1951 is read, it shows that substantive part of Section 83 consists of three important elements namely the election petition should contain concise statement of material facts which the election petitioner relied upon. The emphasis is on the material facts which should be stated in the concise form. Hon'ble Supreme Court in the case of **Charan Lal Sahu Vs. Giani Jail Singh and another, reported in (1984) 1 SCC 390** while considering the "undue influence" as enumerated in Section 18(1), emphasizing the need of precise, specific and unambiguous pleading of corrupt practice particularly with reference to undue influence stated as under :—

"35. The gravamen of this section is that there must be interference or attempted interference with the "free exercise" of any electoral right/ "Electoral right" is defined by Section 171-A(b) to mean the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from

voting at an election. In so far as is relevent for our purpose, the election petition must show that Shri Beg interfered with the free exercise of the voters' right to vote at the Presidential election. The petition does not allege or show that Shri Beg interfered in any manner with the free exercise of the right of the voters to vote according to their choice or conscience. ...."

In the later part, their Lordship further held :—

"Therefore, in order that the offence of undue influence can be said to have been made out within the meaning of Section 171-C of the Penal Code, something more than the mere act of canvassing for a candidate must be shown to have been done by the offender. That something more may, for example, be in the nature of a threat of an injury to a candidate or a voter as stated in sub-section (2) (a) of Section 171-C of the Penal Code or, it may consist of inducing a belief of Divine displeasure in the mind of a candidate or a voter as stated in sub-section (2) (b). The act alleged as constituting undue influence must be in the nature of a pressure or tyranny on the mind of the candidate or the voter. It is not possible to enumerate exhaustively the diverse categories of acts which fall within the definition of undue influence. It is enough for our purpose to say, that of one thing there can be no doubt. The mere act of canvassing for a candidate cannot amount to undue influence within the meaning of Section 171-C of the Penal Code."

38. Now if further reference is made to paras 17, 18 & 19 of the petition, this is all about the expenses. It is stated that expenses incurred by respondent No. 1 has exceeded the limit prescribed by the Election Commission i.e., Rs. 16 lakhs and thereby there is contravention of Section 77 of the Act of 1951. At para 19 though the petitioner has stated that expenditure has been incurred more than the limit but at the same time, it is pleaded that the petitioner could not get the particulars despite all efforts as to what expenditure was made. It is further stated that despite the RTI, the application made under RTI, the petitioner could not get the particulars. Therefore, since it is the specific averments of the petitioner that particulars of expenses could not be gathered, consequently, the inference cannot be drawn only on the bald pleading without any material particulars on what head the expenses were made. Reading of the averments would show that the allegations have been made and particulars of corrupt practice in the manner in which it was made is not clear.

39. Likewise at para 20, reference to a meeting addressed by the BJP leader Shri Venkayya Naidu in support of respondent No. 1 has been made. It is stated that a Helicopter was arranged by respondent No. 1. The averments have been made that list of the star campaign of the first phase election was submitted by the BJP and for the second phase, no such list was supplied. Therefore, the expenses of star campaign should have been added to the account of Respondent No. 1. As against this, the list of star campaign which was made by BJP filed by Respondent No. 1 shows that for Phase II, the list of star campaign was submitted by BJP which is filed as Annexure Document-E which includes the name of Mr. Vankayya Naidu for the second Phase of election at Sl. No. 7 Admittedly, this election was for the second phase. In the result, the averments made in para 20 also do not disclose any material facts as to how the expenditure was incurred over and above the prescribed limit.

40. Section 77 of the Act of 1951 mandates that election expenses and maximum thereof shall be given in account. But the explanation to section 77 reads that expenditure incurred by the "leaders of a political party" on account of travel by air or other mode of transport for propagating the programme of the political party shall not be deemed to be the expenditure in connection with the election incurred by the candidate of that particular political party for the purpose of this section. Therefore, despite vague allegations without any particulars as to how much expenses were incurred over and above the limit, the averments made by the petitioner further cannot be taken into consideration to hold that the expenditure was made over and above the prescribed limit.

41. Para 20 further had stated that the particulars in nomination form were not correctly filled by Respondent No. 1 and the nomination should have been rejected. It is stated that respondent No. 1 and his son are residing together in the same house but income of son of respondent No. 1 has not been declared. Again, if we revert back to the material particulars, the averments so made are vague and only casual pleadings have been made. If the petitioner was serious enough to raise such objection at para 20, there should have been the particulars as to what was the expenditure incurred. It should have pleaded in detail as to what was the expenditure incurred over and above the prescribed limit where it was done and what was the date of such expenditure. On simply making bald statement by the petitioner that the expenditure has been made over and above the limit, this election Tribunal cannot venture to order for inquiry into the matter. Further more, the allegations about

the concealment of staying/living of son with respondent No. 1 is made and particulars of property in respect of his son which is alleged to have been concealed has not been disclosed as to what is the property which the respondent has concealed. Therefore, reading of para 20 would not lead to infer that material particulars have been deliberately avoided.

42. Further, in **(2009) 9 SCC 310,—Anil Vasudev Salgaonkar Vs. Naresh Kushali Shigaonkar,** Hon'ble the Supreme Court has reiterated the view observed in case of Manubhai Nandlal Amorsey v. Popatlal Manilal Joshi, which reads as under :—

"44. When we revert to the Indian cases, we find that our courts have accepted the principle laid down by the English cases. We would like to refer to some of them. In Manubhai Nandlal Amorsey v. Popatlal Manilal Joshi this Court observed as under : (SCC p. 374, para 5)

> "5. The first question is whether the trial Judge should have allowed the amendment. Section 83 (1) (b) provides that 'An election petition shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of names of the parties alleged to have committed such corrupt and the date and place of the commission of each such practice'. The section is mandatory."

43. Further the Hon'ble the Supreme Court in case of **Anil Vasudev Salgaonkar** (supra) has reiterated the view observed in case of Hardwari Lal V. Kanwal Singh, which reads as under :—

"46. In Hardwari Lal v. Kanwal Singh, a three Judge Bench of this Court observed as under: (SCC p.221, para 22)

> "22. ....The gravamen of the charge of corrupt practice within the meaning of Section 123 (7) of the Act is obtaining of procuring or abetting or attempting to obtain or procure any assistance other than the giving of vote. In the absence of any suggestion as to what that assistance was the election petition is lacking in the most vital and essential material fact to furnish a cause of action."

44. Recently, the Supreme Court in a case law reported in **(2014) 10 SCC 547, C.P. John Vs. Babu M. Palissery and others** has held thus in Para 18:

"18. When we read Section 83, the substantive part of Section 83(1) consists of three important elements, namely, that an election petition should contain a concise statement of material facts which an election petitioner relies upon. The emphasis is on the material facts which should be stated in a concise form. Under Section 83 (1)(b) it is stipulated that the election petition should set forth full particulars of any corrupt practice which is alleged by the petitioner. A reading of the said Section 83(1)(b) is to the effect that such particulars should be complete in every respect and when it relates to an allegation of corrupt practice it should specifically state the names of the parties who alleged to have committed such corrupt practice and also the date and place where such corrupt practice was committed. In other words, the particulars relating to corrupt practice should not be lacking in any respect. One who reads the averments relating to corrupt practice should be in a position to gather every minute detail about the alleged corrupt practice such as names of the persons, the nature of the alleged corrupt practice indulged in by such person or persons, the place, the date, the time and every other detial relating to the alleged corrupt practice."

45. As has been laid down by their Lordships in case of C.P. John (supra) that when an election petition is taken up for consideration, the Court which deals with such election petition should be in a position to know the exactitude as to what is the corrupt practice alleged without giving any room for doubt as to the nature of such allegation, the parties involved, the date, time and the place, etc. so that the party against whom such allegation is made is in a position to explain. The election petitioner can not simply raise any allegation for corrupt practice and get away with it. Since the successful candidates in an election has got the support of the majority of the voters who cast their votes in his favour, the success gained by a candidate in a public election cannot be allowed to be called in question by any unsuccessful candidate by making frivolous or baseless allegations and thereby unnecessarily drag the successful candidate to the court proceedings.

46. It is settled proposition that the person who has contested the election and after loosing, while challenging, the election petition has to be seriously examined. The reading of the pleadings as a whole would show that vague allegations have been leveled both with respect to addition/deletion of the names of the voters alongwith the corrupt practice.

47. On the basis of the aforesaid observation, it is held that the election petition cannot be gone in for trial for want of material particulars and further primary challenge in the election petition is about the defective voters list and on the ground that the voters who were entitled to vote were not allowed to vote and other people who were not residents of the particular area have voted. Meaning thereby the challenge in election petition is primarily based on the defective voters list and in view of the foregoing observations, in the opinion of this Court, the same issue cannot be gone into under the Act of 1951 to adjudicate the validity of election. Further more, as has been observed, the election petitioner has failed to disclose the material facts which are mandatory as required u/s 83 of the Act of 1951 so as to allow the election petition to go in for trial.

48. As a result, I am of the considered view that this election petition cannot go in for a trial. Consequenctly, the election petition is dismissed.

Sd/-
Goutam Bhaduri
Judge.